


# Exhibit 120-TR

## Part 3 of 3

 = Plaintiffs' provisional redactions ("ppr") of content of this videotaped deposition and its transcript, made subject to Plaintiffs' reservation of rights to challenge later. ECF No. 9885.

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - -

IN RE: TERRORIST ATTACKS : 03-MDL-1570  
ON SEPTEMBER 11, 2001 : (GBD)(SN)

- - -

JUNE 11, 2021  
VOLUME III

THIS TRANSCRIPT CONTAINS  
CONFIDENTIAL MATERIAL

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Remote Videotaped  
Deposition, taken via Zoom, of OMAR  
AL-BAYOUMI, commencing at 7:04 a.m., on  
the above date, before Amanda  
Maslynsky-Miller, Certified Realtime  
Reporter and Notary Public in and for the  
Commonwealth of Pennsylvania.

- - -

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Bachar Al-Halabi, Interpreter

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Rodina Mikhail, Interpreter

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Ziad al-Sudiary

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Testimony of: OMAR AL-BAYOUMI

By Mr. Pounian	547, 799
By Mr. Kry	605
By Mr. Shen	721
By Mr. Carter	829

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E X H I B I T S  
- - -

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DEPOSITION SUPPORT INDEX

Direction to Witness Not to Answer

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None

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Stipulations

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Question Marked

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None

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(It is hereby stipulated and

3

agreed by and among counsel that

4

sealing, filing and certification

5

are waived; and that all

6

objections, except as to the form

7

of the question, will be reserved

8

until the time of trial.)

9

- - -

10

VIDEO TECHNICIAN: We are

11

now back on the record. My name

12

is David Lane, a videographer for

13

Golkow Litigation Services.

14

Today's date is June 11th, 2021.

15

Our time is 7:04 a.m. Eastern

16

Standard Time.

17

This remote video deposition

18

is being held in the matter of the

19

Terrorist Attacks on September

20

11th, 2001. Our deponent today is

21

Omar al-Bayoumi.

22

All parties to this

23

deposition are appearing remotely

24

and have agreed to the witness

1           being sworn in remotely.

2                   Due to the nature of remote  
3           reporting, please pause briefly  
4           before speaking so that all  
5           parties are heard completely.

6                   Our counsel will be noted on  
7           the stenographic record. The  
8           court reporter today is Amanda  
9           Miller.

10                   I want to remind the  
11           interpreters, as well as the  
12           witness, you're still under oath  
13           from yesterday.

14                               -   -   -

15                   BACHAR AL-HALABI, RODINA  
16           MIKHAIL and MARWAN ABDEL-RAHMAN  
17           were previously duly sworn to  
18           translate questions from the  
19           English language to the Arabic  
20           language and the answers from the  
21           Arabic language to the English  
22           language.

23                               -   -   -

24                   OMAR AL-BAYOUMI, after



1           having been previously duly sworn,  
2           was further examined and testified  
3           as follows:

4                               -   -   -

5                               VIDEO TECHNICIAN:   Please  
6           begin.

7                               -   -   -

8                               EXAMINATION

9                               -   -   -

10       BY MR. POUNIAN:

11               Q.       Sir, in the year 2000, did  
12       you travel to Saudi Arabia?

13               A.       Yes.

14               Q.       And what was the purpose of  
15       your trip?

16               A.       The purpose for my trip was  
17       to go back to my work, first of all.   And  
18       also to pursue my studies at Aston  
19       University.

20               Q.       And where did you return --  
21       where did you go to work in Saudi Arabia?

22               A.       My office.

23               Q.       And that was in Jeddah at  
24       Airways Engineering?

1 A. Yes. Yes.

2 Q. And did you have an office  
3 at that Airways Engineering building in  
4 Jeddah?

5 A. Yes.

6 Q. And can you describe the  
7 office to us?

8 A. An ordinary office. Perhaps  
9 4 by 4 meters. It had a desk and a  
10 telephone, computer.

11 Q. And did Alp Karli have an  
12 office nearby your office?

13 A. Yes.

14 Q. And what work did you do  
15 when you went back to Saudi Arabia at  
16 that time?

17 A. It was auditing  
18 transactions, purchases, salaries. And  
19 secondments.

20 Q. And did you receive a  
21 paycheck from the Presidency of Civil  
22 Aviation for the work that you did at  
23 that time?

24 A. No. The aviation didn't

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1 give me.

2 MR. POUNIAN: If we could  
3 show the witness, please,  
4 Exhibit-377.

5 BY MR. POUNIAN:

6 Q. Sir, can you tell us what  
7 this document is?

8 A. I don't know it.

9 Q. Do you see your name on the  
10 document?

11 A. Yes.

12 Q. And it's an employee  
13 performance review.

14 Do you see that?

15 A. Yes.

16 Q. And who was responsible for  
17 giving you an employee performance review  
18 at the Presidency of Civil Aviation?

19 A. I don't know.

20 Q. Well, who would have filled  
21 out this document, sir?

22 A. I don't know.

23 MR. POUNIAN: Well, if we  
24 could scroll down in the document.

1           If we could show the full  
2           document.

3   BY MR. POUNIAN:

4           Q.     You received certain ratings  
5     here in the middle of the document.  You  
6     received the highest ratings, sir.

7                     Who was rating you?

8           A.     I don't know.

9           Q.     And if we look at the upper  
10    right-hand corner, it has a date of March  
11    31st, 2000.

12                    MR. SHEN:  Steve, is that an  
13    Arabic version?

14                   MR. POUNIAN:  If we could --  
15    if we could make that larger, yes.  
16    You need the entire date there.  
17    The entire corner there of the  
18    document, all the way down.

19                    You're missing it.

20                    It's down further in the  
21    box.  In the upper right-hand  
22    corner of the document.  There you  
23    go.  It's the bottom part there.

24   BY MR. POUNIAN:

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1 Q. Do you see, sir, a date?

2 A. Yes.

3 Q. And it's March -- it's the  
4 year 1420, the 12th month, 25th day.

5 Do you see that, sir?

6 A. Yes.

7 Q. And were you aware that you  
8 were getting a performance review at that  
9 time?

10 MR. KRY: Objection.

11 Misstates the document.

12 MR. SHEN: Objection.

13 Objection to form. That's not  
14 what the document says.

15 THE WITNESS: No.

16 MR. POUNIAN: Can we show  
17 the witness and mark the next  
18 exhibit KSA 882, please.

19 - - -

20 (Whereupon, Exhibit  
21 al-Bayoumi-710, KSA0000000882,  
22 Employee Performance Review, was  
23 marked for identification.)

24 - - -

1 BY MR. POUNIAN:

2 Q. Again, sir, this is an  
3 employee performance review with your  
4 name on it.

5 Have you seen this document  
6 before?

7 A. No.

8 Q. And, again, sir, you get the  
9 highest ratings on the chart.

10 Do you recognize the  
11 signature on the -- on this document?

12 A. No.

13 MR. POUNIAN: If we look to  
14 the left of that signature, if we  
15 could highlight the little  
16 initials there in the same box to  
17 the left.

18 BY MR. POUNIAN:

19 Q. Do you recognize the  
20 initials of Alp Karli there, sir?

21 A. It's not that clear.

22 Q. Do you recognize those as  
23 the initials of Alp Karli?

24 A. It's pretty much Alp Karli,

1 but not clear. It's pretty much Alp  
2 Karli, but not clear.

3 Q. But it looks like Alp Karli  
4 to you, right?

5 A. Yes. Alp Karli usually put  
6 a little A, then signs.

7 Q. And have you seen his  
8 initials before, sir?

9 A. The initials -- this  
10 initial -- these initials, no.

11 Q. But you said it looks like  
12 Alp Karli?

13 A. Yes. Alp Karli would start  
14 with a capital letter A, then --

15 (The Witness) Big one.

16 (Through Interpreter) --  
17 then would sign. But this photo is not  
18 that clear.

19 Q. Sir, when you were in the  
20 United States in the year 2000, did you  
21 apply for graduate school?

22 A. Yes.

23 Q. And where did you apply to  
24 graduate school?

1           A.     Many universities in America  
2     and Britain.

3           Q.     And where did you apply in  
4     America?

5           A.     I don't remember, but to  
6     many universities. I would send one  
7     generic e-mail to all universities.

8           Q.     And did you apply to George  
9     Washington University?

10          A.     I applied for George  
11     Washington University. I applied for  
12     many universities, very many.

13          Q.     And what course of study did  
14     you apply for at George Washington  
15     University?

16          A.     In the year 2000, I was  
17     trying to pursue a doctorate degree in  
18     the United States. But the system in the  
19     United States would require me to be here  
20     for four years, and I did not have that  
21     long. So I applied in Britain.

22          Q.     Sir, I was asking you about  
23     George Washington University and what  
24     course of study you applied for at that



1 school.

2 Could you tell us, sir, what  
3 is the course of study you applied for at  
4 George Washington University?

5 MR. POUNIAN: It looks like  
6 we're frozen.

7 VIDEO TECHNICIAN: We're  
8 going to go off the record, 7:19  
9 a.m.

10 - - -

11 (Whereupon, a brief recess  
12 was taken.)

13 - - -

14 VIDEO TECHNICIAN: We're  
15 back on the record at 7:22 a.m.

16 BY MR. POUNIAN:

17 Q. The outstanding question,  
18 sir, was, what was the course of study  
19 you applied for at George Washington  
20 University?

21 A. I did not correspond with  
22 George Washington alone. I corresponded  
23 with many universities for the Ph.D.

24 Q. I'm asking, sir,

1 specifically with regard to George  
2 Washington.

3 Did you apply there for  
4 admission for the doctorate program?

5 A. I don't remember. I  
6 corresponded with many universities. But  
7 regarding George Washington specifically,  
8 I don't remember.

9 INTERPRETER ABDEL-RAHMAN:  
10 And the interpreter has a problem  
11 hearing both Mr. Pounian and the  
12 witness. Is there a way that we  
13 could turn the audio up, please?  
14 Thank you.

15 MR. POUNIAN: Can you hear  
16 me now?

17 INTERPRETER ABDEL-RAHMAN:  
18 Barely.

19 MR. SHEN: I hear you fine.  
20 I think it might be Marwan's  
21 computer.

22 MR. POUNIAN: Marwan, it  
23 must be on your end.

24 MR. KRY: Yes, we hear you

1 fine, too.

2 INTERPRETER AL-HALABI:

3 Marwan, I'll take over.

4 MR. POUNIAN: If we could  
5 place and mark as the next exhibit  
6 KSA 903, please.

7 - - -

8 (Whereupon, Exhibit  
9 al-Bayoumi-711, KSA0000000903,  
10 5/8/2000 Letter, was marked for  
11 identification.)

12 - - -

13 BY MR. POUNIAN:

14 Q. Sir, this is a letter that  
15 was produced to us by the Kingdom of  
16 Saudi Arabia from its files.

17 Have you seen this letter  
18 before?

19 A. I don't remember it, no.

20 Q. The letter states that  
21 you -- it's addressed to you, and it says  
22 that you've been accepted to begin the  
23 Ph.D. program in the finance department  
24 at -- and it's from George Washington

1 University.

2 Do you see that, sir?

3 A. Yes, I see it.

4 Q. And did you apply to the  
5 doctorate program at George Washington  
6 University?

7 MR. SHEN: Asked and  
8 answered.

9 You can answer again.

10 THE WITNESS: I don't  
11 remember. I sent an e-mail to  
12 many universities, but I don't  
13 remember exactly.

14 BY MR. POUNIAN:

15 Q. Did you apply, sir, to  
16 George Washington University?

17 MR. SHEN: You asked that  
18 exact question. Objection.

19 MR. POUNIAN: I'm trying to  
20 get an answer.

21 MR. SHEN: He just answered  
22 you, three times.

23 MR. CARTER: Andy, he has  
24 not answered that question. He's

1           talked about sending e-mails.

2                   The question is whether or  
3           not he applied for the Ph.D.  
4           program. It's a totally different  
5           question.

6                   MR. SHEN: Why don't you  
7           read the answer to the last  
8           question that he asked? He  
9           answered it specifically.

10                   MR. HAEFELE: Andy, are you  
11           instructing him not to answer the  
12           question? If not, then just let  
13           him just answer.

14                   MR. SHEN: He can answer for  
15           the fourth time. You have a  
16           limited amount of time. If you  
17           want to ask the same question over  
18           and over and over again, that's  
19           your prerogative.

20                   THE WITNESS: I don't  
21           remember.

22   BY MR. POUNIAN:

23                   Q.     Well, sir, since this letter  
24           was found in your files at the Kingdom of

1 Saudi Arabia, can we assume that you did  
2 file an application to the George  
3 Washington University for a Ph.D.  
4 program?

5 MR. KRY: Objection to form.

6 MR. SHEN: Mischaracterizes  
7 the document.

8 THE WITNESS: I mentioned  
9 before that I don't remember. I  
10 corresponded with many  
11 universities, not only George  
12 Washington. I corresponded with  
13 many and I got many answers.

14 But in America, it's four  
15 years, and I didn't have four  
16 years. That's why I went to  
17 Britain.

18 BY MR. POUNIAN:

19 Q. You obtained this letter  
20 that is marked as an exhibit in front of  
21 you now?

22 MR. SHEN: I'm sorry, what  
23 did you say? Did you obtain it?

24 MR. POUNIAN: Yes. Did he

1           obtain it.

2                   MR. SHEN: Objection to  
3           form. Vague and ambiguous.

4                   THE WITNESS: I don't  
5           remember it at all.

6 BY MR. POUNIAN:

7           Q.     There's a fax header on this  
8           document, sir, from an Aliiali.

9                   Do you see that?

10          A.     Yes. Yes, I see it.

11          Q.     Do you know who that is?

12          A.     No. But it's written,  
13       George Washington University.

14          Q.     What's written George  
15       Washington University?

16          A.     The one with the highlights.

17          Q.     All right.

18                   MR. POUNIAN: If we could  
19           show the witness what's been  
20           marked as Exhibit-384.

21 BY MR. POUNIAN:

22          Q.     This is a letter about you  
23       from Mohammad al-Salmi.

24                   Do you see that, sir?

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1 A. Yes, I see it.

2 Q. And do you see the date of  
3 the letter, sir?

4 A. Yes.

5 Q. And what's the date?

6 A. Yes. 6/2/1421.

7 Q. And Mr. Salmi states that,  
8 Attached is a copy of a letter issued by  
9 the George Washington University  
10 confirming that they've accepted the said  
11 employee -- who is you -- to prepare for  
12 the Ph.D. degree.

13 Do you see that, sir?

14 A. Yes, I see it.

15 Q. And did you provide Mr.  
16 Salmi with the letter from George  
17 Washington University regarding the Ph.D.  
18 program?

19 A. I didn't give it to  
20 al-Salmi. I didn't have direct  
21 communication with him, with al-Salmi  
22 directly. I sent it to my division, the  
23 division of finance and contract.

24 But as far as studying in



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1 America, that was -- that was unlikely,  
2 because I couldn't stay four years. They  
3 were asking -- they were requiring to  
4 stay four years for the Ph.D., and I  
5 didn't have four years. So I headed to  
6 Britain directly.

7 Q. So am I correct, sir, you  
8 sent the letter of George Washington  
9 University that we showed you before and  
10 you sent that to the contract department?

11 MR. SHEN: Objection.

12 Mischaracterizes his testimony.

13 MR. KRY: Objection to form.

14 THE WITNESS: I don't  
15 remember, no.

16 BY MR. POUNIAN:

17 Q. You said, I sent it to my  
18 division, the division of finance and  
19 contract.

20 You sent the letter, the  
21 George Washington University letter, to  
22 that division; am I right, sir?

23 MR. SHEN: Objection.

24 THE WITNESS: I sent many of

1 the acceptance letters that I had,  
2 because I was -- for me, it was  
3 unlikely to study in America  
4 because it was -- the period of  
5 time was too long. And I only had  
6 two years. Therefore, I went to  
7 Britain.

8 BY MR. POUNIAN:

9 Q. Sir, Mr. Salmi, in his  
10 letter that we just showed you, refers --  
11 and that's on the screen right now,  
12 refers to a specific letter from George  
13 Washington University.

14 And we just showed you  
15 Exhibit-711, the letter from George  
16 Washington University.

17 Did you send that letter to  
18 either the contracts department or anyone  
19 else at Airways Engineering?

20 MR. SHEN: Objection. Asked  
21 and answered multiple times.

22 THE WITNESS: Specifically,  
23 I don't remember, no.

24 BY MR. POUNIAN:

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1 Q. Well, how did Mohammad  
2 al-Salmi get this letter, the George  
3 Washington University letter, and how is  
4 it in the Kingdom of Saudi Arabia files?

5 MR. SHEN: Objection.

6 MR. KRY: Objection.

7 MR. SHEN: Calls for  
8 speculation.

9 THE WITNESS: You're asking  
10 me specifically about this  
11 document? I don't remember.

12 What I remember, I remember  
13 many acceptances from many  
14 universities, including Aston  
15 University. The rest, I don't  
16 remember it specifically, the one  
17 from America, because of the long  
18 time period. I don't remember it.

19 BY MR. POUNIAN:

20 Q. Sir, do you know a man named  
21 Ali Isa Ali?

22 A. No.

23 Q. Sir, did you present a fake  
24 acceptance letter from George Washington

1 University in support of a leave request  
2 at --

3 MR. SHEN: Objection.

4 BY MR. POUNIAN:

5 Q. -- Airways Engineering?

6 MR. SHEN: Objection.

7 MR. KRY: Join.

8 THE WITNESS: I'm over 60 --  
9 I'm over 60 years old. I don't  
10 remember, ever, that I ever, ever  
11 faked anything.

12 MR. POUNIAN: If we could  
13 put Exhibit-902 before the  
14 witness, please -- KSA 902 as the  
15 next exhibit.

16 What will that be?

17 COURT REPORTER:

18 Exhibit-712.

19 MR. POUNIAN: Thank you.

20 - - -

21 (Whereupon, Exhibit  
22 al-Bayoumi-712, KSA0000000902,  
23 5/9/2000 Letter, was marked for  
24 identification.)

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1 - - -

2 BY MR. POUNIAN:

3 Q. Sir, is this a letter that  
4 you wrote requesting a study leave?

5 A. Yes.

6 Q. And the date of this letter  
7 was on the 4th day of the second month of  
8 the year 1421, which is May 9th, 2000; is  
9 that correct?

10 A. Yes. I don't know if it  
11 corresponds with the Gregorian date, but  
12 the Hijri date in front of me, yes.

13 Q. And where were you at that  
14 time?

15 A. When?

16 Q. When you signed this letter.

17 A. Honestly, I don't remember.

18 Q. Sir, isn't it true that you  
19 were in Jeddah at Airways Engineering  
20 when you wrote this letter?

21 A. I don't remember, no.

22 Q. Well, you were --

23 A. You can check it on my  
24 passport, whether I was in Saudi Arabia

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1 or not. But I don't remember.

2 Q. Well, you were in Saudi  
3 Arabia, sir, according to your passport.  
4 That's why I'm asking you the question.

5 I was trying to see if you  
6 would remember that. But you were there  
7 at that time.

8 MR. SHEN: Objection. If  
9 you want to make a representation,  
10 you can make it.

11 MR. POUNIAN: I just did.  
12 And could we show the  
13 witness again Exhibit-711? Just  
14 put it next to this, please.

15 BY MR. POUNIAN:

16 Q. The day before you filed the  
17 leave request, there's a letter dated May  
18 8th, 2000, that was faxed on May 8th.

19 And did you obtain that  
20 letter, sir, to support your leave  
21 request?

22 A. I don't remember it, no. I  
23 don't remember.

24 As I mentioned before, I

1 received many acceptance letters, not  
2 only from George Washington. I don't  
3 remember specifically George Washington.

4 MR. POUNIAN: Could we put  
5 up on the left side of the screen  
6 Exhibit-384, please?

7 BY MR. POUNIAN:

8 Q. Two days after you requested  
9 the leave request, then --

10 MR. POUNIAN: By the way,  
11 before you take that down. If we  
12 could just put that back for a  
13 second.

14 BY MR. POUNIAN:

15 Q. Sir, do you recognize the  
16 signature on the bottom of that page,  
17 sir?

18 A. (The Witness) Yes, this is  
19 my signature. This is my signature, yes.

20 Q. That's your signature.  
21 And do you recognize the  
22 signature below that?

23 A. No.

24 Q. You don't recognize this as

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1 Mohammad Salmi's signature?

2 A. I don't know, but it's  
3 possible. I don't -- I don't know. I  
4 don't remember. No, I don't remember.

5 Q. And he said there's no  
6 objection, and there's a signature there.

7 MR. POUNIAN: And could we  
8 now put up Exhibit-384.

9 BY MR. POUNIAN:

10 Q. And then two days later,  
11 Mohammad Salmi writes this letter to the  
12 personnel department in support of your  
13 study leave request and citing a letter  
14 from George Washington University.

15 Do you see that, sir?

16 A. Yes, I see that.

17 Q. And isn't it true, sir, that  
18 you obtained this letter, this George  
19 Washington University letter, in support  
20 of your leave request?

21 MR. SHEN: Objection. Asked  
22 and answered seven or eight times  
23 already.

24 THE WITNESS: I don't



1           remember. But I have many  
2           documents from many universities  
3           to support. I could have put any  
4           university I wanted.

5                     This specifically, I don't  
6           remember. I got many acceptances,  
7           like Aston University. I could  
8           have put Aston and I could have  
9           gotten it approved. But this, I  
10          don't remember.

11 BY MR. POUNIAN:

12           Q.       When were you accepted to  
13   Aston University?

14           A.       The year 2000.

15           Q.       When?

16           A.       (In English) I don't know  
17   specific dates. I don't know. You'll  
18   find it in my records.

19           Q.       Were you accepted at the  
20   time you filed this study leave request?

21           A.       I don't know.

22           Q.       Sir, do you know a man named  
23   Ahmed al-Hamdan?

24           A.       Yes.

1 Q. And who is Ahmed al-Hamdan?

2 A. A person who sent his kids  
3 to study in San Diego.

4 Q. And where did you first know  
5 Ahmed al-Hamdan?

6 A. From the community.

7 Q. What community?

8 A. In Jeddah.

9 MR. SHEN: I'm going to  
10 note, for the record, we're past  
11 the 14-hour mark. I'm going to  
12 give you a little bit of time to  
13 clean up any loose ends, and then  
14 we're going to have to move on to  
15 Robert.

16 MR. POUNIAN: I have at  
17 least another hour left on this.

18 MR. SHEN: I assume that you  
19 want to ask some questions for --  
20 on rebuttal, which comes out of  
21 your time also. So why don't you  
22 try to wrap this up in the next  
23 half hour or so?

24 MR. POUNIAN: I don't think

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1 we need to have all this  
2 translated. I'm not questioning  
3 the translator, but let's just  
4 move on.

5 MR. SHEN: Let's just move  
6 on.

7 MR. POUNIAN: That's what  
8 I -- that's what I just said.

9 BY MR. POUNIAN:

10 Q. What position did Ahmed  
11 Hamdan hold in the Saudi government?

12 A. He was an employee.

13 Q. Where?

14 A. As far as I remember, he was  
15 in the finance.

16 Q. And why did Ahmed Hamdan  
17 send you \$20,000 in February of 1999?

18 A. Because he sent one of his  
19 kids, in the beginning, to study. I was  
20 helping him in the expenses for the  
21 study. He sent specific -- specific  
22 amount for him to spend from.

23 Q. Do you know a man named  
24 Suliman al-Ali?

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1 A. No.

2 Q. Do you know a company, an  
3 organization called Sana-Bell?

4 A. No.

5 MR. POUNIAN: [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 - - -

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 - - -

14 VIDEO TECHNICIAN: [REDACTED]

15 [REDACTED]

16 MS. PRITSKER: [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 VIDEO TECHNICIAN: [REDACTED]

20 - - -

21 [REDACTED]

22 - - -

23 VIDEO TECHNICIAN: [REDACTED]

24 [REDACTED]

[REDACTED]

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1 BY MR. POUNIAN:

2 Q. [REDACTED]

3 [REDACTED]

4 A. [REDACTED]

5 [REDACTED]

6 Q. [REDACTED]

7 MR. POUNIAN: [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 BY MR. POUNIAN:

13 Q. [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 A. [REDACTED]

17 MR. POUNIAN: [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 BY MR. POUNIAN:

22 Q. [REDACTED]

23 [REDACTED]

24 A. [REDACTED]

[REDACTED]

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1 Q. [REDACTED]

2 [REDACTED]

3 A. [REDACTED]

4 Q. [REDACTED]

5 [REDACTED]

6 A. [REDACTED] [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Q. [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 A. [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED]

18 MR. POUNIAN: [REDACTED]

19 [REDACTED]

20 [REDACTED]

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22 [REDACTED]

23 [REDACTED]

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[REDACTED]

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MR. POUNIAN: [REDACTED]

BY MR. POUNIAN:

Q. [REDACTED]

A. [REDACTED]

Q. [REDACTED]

A. [REDACTED]

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Q.

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MR. POUNIAN:

- - -

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[REDACTED]

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BY MR. POUNIAN:

Q. [REDACTED]

[REDACTED]

[REDACTED]

A. [REDACTED]

Q. [REDACTED]

[REDACTED]

[REDACTED]

A. [REDACTED]

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Q. [REDACTED]

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A.

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[REDACTED] [REDACTED]

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Q.

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Q.

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MR. SHEN:

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THE WITNESS:

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18 BY MR. POUNIAN:

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Q.

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Q.

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MR. SHEN:

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THE WITNESS:

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BY MR. POUNIAN:

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A. [REDACTED]

Q. [REDACTED]

[REDACTED]

A. [REDACTED]

Q. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. SHEN: [REDACTED]

[REDACTED]

THE WITNESS: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

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BY MR. POUNIAN:

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Q.

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A.

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

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[REDACTED]

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MR. POUNIAN:

[REDACTED]

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[REDACTED]

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[REDACTED]

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VIDEO TECHNICIAN:

[REDACTED]

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MR. POUNIAN:

[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

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1 BY MR. POUNIAN:

2 Q. [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 MR. POUNIAN: [REDACTED]

9 BY MR. POUNIAN:

10 Q. [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 MR. SHEN: [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 BY MR. POUNIAN:

21 Q. [REDACTED]

22 [REDACTED]

23 MR. SHEN: [REDACTED]

24 THE WITNESS: [REDACTED]

[REDACTED]

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3 BY MR. POUNIAN:

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Q.

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A.

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Q.

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A.

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Q. Do you know a man named

20

Osama Bosnan?

21

A. His wife was friends with my

22

wife.

23

Q. And did you know him?

24

A. Superficial knowledge from

REDACTED FOR PUBLIC FILING



1 the mosque.

2 Q. And what was he doing in San  
3 Diego?

4 A. I don't know.

5 Q. Did you know that he had  
6 worked at one time at the Saudi Embassy  
7 in Washington, D.C.?

8 A. I didn't know.

9 Q. Do you know a man named  
10 Yassar Bushnak?

11 A. No.

12 Q. Now, your phone records,  
13 also, sir, show calls on February 4th,  
14 2000, to Anwar Aulaqi, followed by --  
15 that's at 4:40 p.m., followed by a call  
16 to the Al-Rribaah Mosque at 4:42 p.m.,  
17 and another call to the Al-Rribaah Mosque  
18 at 4:43 p.m.

19 Why were you trying to reach  
20 Anwar Aulaqi on February 4th, 2000?

21 MR. SHEN: Objection to  
22 form.

23 THE WITNESS: I don't recall  
24 specifically calling him. But if

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1 I called him, that must have meant  
2 that there was an outstanding  
3 question that was asked and it  
4 required an answer.

5 So someone must have had a  
6 question that I directed to him to  
7 answer.

8 BY MR. POUNIAN:

9 Q. And who had that question,  
10 sir?

11 A. (The Witness) Many people --  
12 many people ask questions. I don't know  
13 exactly.

14 Q. And you sent them to Anwar  
15 Aulaqi?

16 A. Maybe the contact attempt  
17 was made to get an answer for the  
18 question. It could have been made to  
19 Anwar Aulaqi, to the Islamic Center, to  
20 any place which had Sheikhs.

21 Q. And you would call Anwar  
22 Aulaqi to make such -- forward such  
23 questions -- to forward such questions?

24 A. Not necessarily Anwar

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1     Aulaqi, per se. To anyone that could  
2     possibly answer the question.

3                     And the document that we had  
4     yesterday in red, which showed telephone  
5     numbers and names of Al-Rribaah Mosque  
6     and others, that was used by people to  
7     reach out to others to get answers to  
8     their questions.

9             Q.     And you reached out to Anwar  
10    Aulaqi on occasion; is that right?

11            A.     Very rarely that I would.

12            Q.     But you did, right?

13            A.     Yes, I did, on occasions,  
14    like when there were dinners or  
15    something. But not too many times.  
16    Perhaps once or twice.

17            Q.     Now, Mohdar Abdullah was  
18    interviewed numerous times by the FBI.  
19    And the FBI reports state that he told  
20    the FBI that you asked him to help Nawaf  
21    and Khalid shortly after they arrived in  
22    San Diego.

23                     Is that -- did you do that,  
24    sir?

1           A.       That's incorrect.

2                   But for newcomers, there  
3       were many people, like al-Mohdar, who  
4       liked to help anybody, to help everyone.  
5       Especially those who needed money, they  
6       liked to offer help so that they make  
7       some money on the side.

8                   MR. SHEN:   We've gone for  
9                   well over 30 minutes now.   So why  
10                  don't we -- you have five more  
11                  minutes, and then we're going to  
12                  take a break and pass it on to  
13                  Robert.

14                  MR. KRY:   We've given you  
15                  significant leeway over 14 hours.  
16                  But we do need to get to our  
17                  questioning.

18                  MR. POUNIAN:   It's just --  
19                  it's painful to hear both of you  
20                  talk about this as if we've had  
21                  leeway, when this has been  
22                  extremely difficult and, also,  
23                  we've been interrupted constantly.

24                  I have another line of

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1 questions here. Let me ask them,  
2 and then we'll take a break.

3 MR. CARTER: I do just want  
4 to add to this, Andy, that I know  
5 Robert suggested that this was not  
6 a traditional practice. But the  
7 protocol requires that all the  
8 colloquy be removed for purposes  
9 of counting the time. We haven't  
10 bothered to go through that.

11 But it more than offsets the  
12 time that you're saying we're over  
13 the limit.

14 MR. SHEN: We don't need to  
15 be bean counters. Like I said,  
16 I'm not --

17 MR. CARTER: I'm not being a  
18 bean counter.

19 MR. SHEN: -- ask redirect  
20 questions.

21 MR. CARTER: I think we have  
22 14 hours, Andy, with the colloquy.

23 MR. SHEN: I'm sure you're  
24 going to ask redirect questions,

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1           which the protocol says comes out  
2           of the time, too. So let's wrap  
3           this up just as quickly as we can  
4           to make sure everyone gets their  
5           chance to ask questions.

6                     Please go ahead, Steve.

7   BY MR. POUNIAN:

8           Q.     Sir, when were you detained  
9           in the United Kingdom?

10          A.     I don't remember the exact  
11          date. A week after the incidents. I  
12          don't remember exactly.

13          Q.     And before you were  
14          detained, did you know that Nawaf and  
15          Khalid were two of the hijackers involved  
16          in the 9/11 attacks?

17          A.     I've seen it -- I've seen  
18          some news. But I wasn't concerned about  
19          things like that. My only concern was  
20          study. So I wasn't concerned about  
21          things like that.

22          Q.     Sir, my question was, before  
23          you were detained, did you know that  
24          Nawaf and Khalid were two of the

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1 hijackers involved in the 9/11 attacks?

2 A. I don't remember.

3 Q. You seriously don't  
4 remember, sir?

5 MR. SHEN: Objection. What  
6 are you doing? Come on. If you  
7 want to ask serious questions,  
8 we're giving you time to ask  
9 questions.

10 MR. POUNIAN: I just find  
11 that answer unbelievable. That's  
12 why I reacted that way. It's  
13 unbelievable. That's why I  
14 reacted.

15 MR. SHEN: That's your own  
16 opinion.

17 MR. POUNIAN: I'm sorry,  
18 but --

19 MR. SHEN: It's clearly  
20 inappropriate to tell the witness  
21 his answer is unbelievable.

22 MR. HAEFELE: Andy, make  
23 your objection and move on. Make  
24 your objection and move on.

1 MR. SHEN: I'm going to stop  
2 the deposition if it continues.

3 It was an argumentative question.

4 INTERPRETER AL-HALABI: I'm  
5 sorry. There was an answer.

6 THE WITNESS: I don't  
7 remember specifically.

8 BY MR. POUNIAN:

9 Q. Who were you questioned by  
10 in the United Kingdom?

11 A. The British government.

12 Q. Before you were detained,  
13 did you make any report to the  
14 authorities about Nawaf and Khalid?

15 A. No, not at all. I was  
16 watching soccer games and stuff like  
17 that. I was far away from these things.

18 Q. And when you were detained,  
19 were you questioned about Nawaf and  
20 Khalid?

21 A. Yes.

22 Q. And was that the first time  
23 you learned that they were involved in  
24 the 9/11 attacks?



1           A.       Can you repeat the question,  
2     please?

3                   MR. POUNIAN:   Could you  
4     repeat it?

5                   INTERPRETER AL-HALABI:  
6     (Complies with request.)

7                   THE WITNESS:   Yes, they  
8     asked me about the attacks and  
9     stuff like that.

10    BY MR. POUNIAN:

11           Q.       Sir, isn't it true that  
12    before you were detained you knew that  
13    Nawaf and Khalid were involved in the  
14    9/11 attacks?

15                   MR. SHEN:   Objection.   Asked  
16     and answered.

17                   THE WITNESS:   I didn't  
18     remember them.   I didn't remember  
19     their names until later.

20                   During the investigations,  
21     it appeared that they were living  
22     near me.   I didn't -- I didn't  
23     remember him -- remember them.   I  
24     didn't remember them.

1 BY MR. POUNIAN:

2 Q. And you remember watching  
3 soccer games in the weeks after 9/11?

4 A. When the British police  
5 came, I was watching a match between  
6 Saudi and Bahrain.

7 Q. Who questioned you, sir?

8 A. (The Witness) A lot of  
9 people there.

10 (Through Interpreter) A lot  
11 of people there. I don't -- I don't  
12 know.

13 Q. Did Scotland Yard  
14 investigators question you, sir?

15 A. Yes. In Scotland Yard. I  
16 don't -- I don't know if they were  
17 American or British. But in Scotland  
18 Yard, yes.

19 Q. And was the Saudi Embassy  
20 involved?

21 A. No.

22 Q. Were you given assistance  
23 there by the Saudi Embassy?

24 A. The assistance -- the

1 assistance came from the British police.

2 Q. Did they question you also?

3 A. Who?

4 Q. The British police, the UK  
5 police.

6 A. (The Witness) Hundreds of  
7 questions.

8 (Through Interpreter)  
9 Hundreds of questions.

10 MR. SHEN: Okay. Let's take  
11 a break. When we come back,  
12 Robert can start his questioning.

13 MR. POUNIAN: You're cutting  
14 me off?

15 MR. SHEN: Are you done with  
16 this line?

17 MR. POUNIAN: It appears  
18 that you're cutting me off from  
19 it.

20 MR. SHEN: I'm asking, are  
21 you done with this line of  
22 questions?

23 MR. POUNIAN: It's -- I  
24 don't think so. But I --

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1 MR. SHEN: All right. It's  
2 8:35 --

3 MR. POUNIAN: Why don't we  
4 take a break if you want?

5 MR. SHEN: No. No. We'll  
6 go to 8:40, you can finish this  
7 line of questions. And then we'll  
8 go on to Robert.

9 Go ahead.

10 MR. POUNIAN: I really don't  
11 appreciate your tone or the way  
12 that you're carrying this --  
13 carrying about this when we're  
14 conducting this questioning of a  
15 witness.

16 And I'm here by myself, I  
17 have a -- we have a committee of  
18 many lawyers. I have not been  
19 able to consult with them during  
20 this. And it's just -- you know,  
21 it's absurd to be doing this at  
22 this point in this case in this  
23 litigation after all these years.

24 But I guess -- I guess

1           that's the way you want to try to  
2           handle it right now.

3                   MR. SHEN: You really want  
4           me to respond to that?

5                   MR. POUNIAN: No, I don't  
6           really.

7                   MR. SHEN: You've asked the  
8           questions in the depositions and  
9           the evidence that's come out  
10          through your depositions and  
11          what's absurd and what's not  
12          absurd.

13                   MR. KRY: Steve, you said  
14          almost an hour ago that you were  
15          about an hour away from being  
16          done. Why don't you take a few  
17          moments to wrap up your  
18          questioning.

19                   But then as Andy suggests, I  
20          think we need to move on to our  
21          questioning.

22                   MR. POUNIAN: I understand  
23          that both of you are in perfect  
24          sync on this issue. And,

1 obviously, we have a disagreement.

2 MR. SHEN: We're wasting  
3 time here. If you want to ask  
4 additional questions, go ahead.  
5 If you don't, we'll take a break  
6 now.

7 MR. HAEFELE: It's not an  
8 either/or. He can take a break  
9 and consult with the rest of us,  
10 if he wants.

11 BY MR. POUNIAN:

12 Q. You said that hundreds of  
13 questions were asked.

14 Who was asking those  
15 hundreds of questions?

16 A. I did not -- I didn't hear  
17 the question.

18 Scotland Yard, there were a  
19 lot of them. I don't know.

20 (In English) British,  
21 American.

22 (Through Interpreter)  
23 British, American. I don't know.

24 Q. Who -- what Americans were

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1     there?

2             A.     I don't know them. But the  
3     lawyer told me that Americans came and --  
4     et cetera. And then she called me and  
5     she told me there were people that came  
6     from America. But I don't know them  
7     specifically. I don't know whether this  
8     guy is an American or not. I don't know.

9             Q.     What lawyer is that?

10            A.     (The Witness) Lady.

11                    (Through Interpreter) Lady.

12                    MR. SHEN: Don't disclose  
13     any of your communications with  
14     your lawyer.

15                    MR. POUNIAN: I'm just  
16     asking the name. That's all I  
17     asked.

18                    MR. SHEN: No, I know. I  
19     know.

20                    You can tell Mr. Pounian  
21     what the name of the lawyer was.  
22     But don't disclose your  
23     conversations with your British  
24     lawyer.

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1 THE WITNESS: I don't know  
2 her name. I don't remember her  
3 name right now. But she was  
4 appointed by the British police.

5 MR. POUNIAN: All right. We  
6 can take a break now. I'm going  
7 to consult my co-counsel.

8 VIDEO TECHNICIAN: Everyone  
9 should be back.

10 - - -

11 (End of FBI Protected  
12 Material.)

13 - - -

14 MR. SHEN: All right. Let's  
15 take 15 minutes.

16 Thank you.

17 MS. PRITSKER: Before we go  
18 off the record, counsel for DIB  
19 has just been admitted back into  
20 the deposition. We were excluded  
21 at approximately 7:57 a.m.  
22 Eastern.

23 Thank you.

24 VIDEO TECHNICIAN: We're



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1 going to go off the record at  
2 8:40 a.m.

3 - - -

4 (Whereupon, a brief recess  
5 was taken.)

6 - - -

7 VIDEO TECHNICIAN: Back on  
8 the record at 9:00 a.m.

9 BY MR. POUNIAN:

10 Q. Sir, we received records  
11 from AT&T of phone calls that were made  
12 from the phone registered under your name  
13 at the Al-Madina Mosque.

14 And the calls were made on  
15 January 20th, 2001, to -- the first call  
16 was made to an Abdul Rahman al-Rajhi.

17 Do you know Abdul Rahman  
18 al-Rajhi, sir?

19 MR. SHEN: Objection.

20 THE WITNESS: No. I don't  
21 know him.

22 BY MR. POUNIAN:

23 Q. Do you know a man named  
24 Abdullah al-Misfer, M-I-S-F-E-R?

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1 A. No. No, I don't know him.

2 Q. Have you ever had any  
3 contacts with any personnel or employees  
4 from the Al-Rajhi Bank?

5 MR. BEETAR: It's Rajhi.

6 INTERPRETER AL-HALABI:

7 Thank you, Ed.

8 THE WITNESS: No.

9 BY MR. POUNIAN:

10 Q. Do you know anyone -- I'll  
11 strike the question.

12 MR. POUNIAN: Could we mark  
13 as the next exhibit the Forge  
14 Hammerman document. I think it  
15 should be 716.

16 MR. SHEN: What did you call  
17 it?

18 MR. POUNIAN: It's the -- I  
19 was just calling it something to  
20 cue the technician.

21 It's now called Exhibit-717.

22 - - -

23 (Whereupon, Exhibit  
24 al-Bayoumi-717, No Bates, LinkedIn

1 Profile, was marked for  
2 identification.)

3 - - -

4 MR. POUNIAN: Could we  
5 just -- could we highlight the  
6 photograph here, please? And can  
7 you expand that?

8 BY MR. POUNIAN:

9 Q. Sir, is that the man we've  
10 referred to as Omar Hammerman?

11 A. Yes.

12 Q. And that's the man we also  
13 described as Omar the American?

14 A. Yes. Omar Hammerman, Omar  
15 Al Amriki, American, yes.

16 MR. POUNIAN: We will  
17 suspend our questioning right now  
18 subject to our objections.

19 MR. SHEN: Go ahead, Robert.

20 MR. KRY: Thanks, Andy.

21 - - -

22 EXAMINATION

23 - - -

24 BY MR. KRY:

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1 Q. Mr. al-Bayoumi, my name is  
2 Robert Kry. I represent Dallah Avco in  
3 this case.

4 Thank you for speaking with  
5 us.

6 A. (The Witness) Thank you.

7 Q. I apologize that the  
8 deposition is proceeding on a Friday, I  
9 know that's inconvenient. And if you  
10 need to take breaks for prayers, please  
11 let us know.

12 A. (The Witness) Thank you.

13 MR. KRY: I'm going to mark  
14 as Exhibit-718 a document that was  
15 produced by the Kingdom in this  
16 case at KSA 629.

17 - - -

18 (Whereupon, Exhibit  
19 al-Bayoumi-718, KSA0000000629,  
20 Statement of Jobs, was marked for  
21 identification.)

22 - - -

23 BY MR. KRY:

24 Q. This is a document that

1 summarizes your work history at the PCA.

2 MR. KRY: If we could show  
3 the Arabic version.

4 BY MR. KRY:

5 Q. Do you recognize this as an  
6 accurate summary of your work history at  
7 the PCA?

8 THE WITNESS: Yes.

9 BY MR. KRY:

10 Q. It indicates that you began  
11 work at the PCA in 1977 and retired in  
12 2014.

13 Are those dates accurate?

14 A. I don't know those dates.  
15 But I know the dates in Arabic. It says  
16 it on top, 1397 to 1435. These dates are  
17 accurate.

18 MR. CARTER: Robert, do you  
19 have a translation?

20 MR. KRY: Yes. It should be  
21 on the exhibit share.

22 MR. CARTER: I'm sorry, it's  
23 not on the screen. Thanks.

24 BY MR. KRY:

1 Q. Mr. al-Bayoumi, based on  
2 those dates, at the time you were  
3 seconded to the ANSS project in 1995, had  
4 you already been working at the PCA for  
5 18 years by that point?

6 A. Yes.

7 Q. And after you left the ANSS  
8 project in 2002, did you go back to work  
9 at the PCA for another 12 years after  
10 that?

11 A. Yes.

12 Q. Next I'm going to show you a  
13 document that was previously marked  
14 Anqari Exhibit-361, produced at KSA 3168.

15 This is an organization  
16 chart that the Kingdom produced in this  
17 case showing the PCA's Airways  
18 Engineering directorates.

19 Near the top of the chart,  
20 there's a box labeled, Director general,  
21 Airways Engineering.

22 A. Yes.

23 Q. Do you recognize that  
24 position as the one that Mohammad

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1 al-Salmi held between 1994 and 2002?

2 A. Yes.

3 Q. On the right-hand side,  
4 there's a box labeled, Contracts and  
5 finance control.

6 Do you recognize that as the  
7 unit that Alp Karli managed between 1994  
8 and 2002?

9 A. I don't remember the date  
10 exactly. But yes.

11 Q. At the bottom, there's a box  
12 labeled, Logistics manager.

13 During the 1995 to 1997  
14 timeframe, do you know who was in charge  
15 of that unit?

16 A. No.

17 Q. Have you heard of a man  
18 named Samuel Coombs?

19 INTERPRETER AL-HALABI: What  
20 was the last name, counselor?

21 MR. KRY: Samuel Coombs,  
22 C-O-O-M-B-S.

23 THE WITNESS: I don't  
24 remember.

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1 BY MR. KRY:

2 Q. Is this organizational chart  
3 for the Airways Engineering directorate  
4 accurate, to the best of your knowledge?

5 A. I don't know. I don't know  
6 if it's accurate or not. I don't know if  
7 there's something missing. But that's  
8 it, yes.

9 Q. Do you see anything specific  
10 in the chart that you think is  
11 inaccurate?

12 A. Inaccurate? I don't know.  
13 But what's accurate is --

14 (The Witness) Contracts and  
15 finance control.

16 (Through Interpreter)  
17 Contracts and finance control. That's  
18 accurate.

19 Q. And does this chart refresh  
20 your recollection that Alp Karli, as the  
21 head of the contracts and finance unit,  
22 reported to al-Salmi, the director  
23 general of Airways Engineering?

24 A. His manager is al-Salmi.



1                   If you notice -- there is  
2 something you need to know to distinguish  
3 by.

4                   Would you allow me to  
5 explain?

6           Q.     Please do.

7           A.     There are government  
8 officials, there are sections that belong  
9 under contracts.

10          Q.     Thank you.

11                  Earlier this week you  
12 testified that Alp Karli was an Air  
13 Navigation System Support employee or  
14 ANSS employee.

15                  Do you remember that  
16 testimony?

17          A.     Yes.

18          Q.     When did you first learn  
19 about the Air Navigation System Support  
20 project?

21          A.     I learned that when I was in  
22 PCA.

23          Q.     Do you remember  
24 approximately what year you first learned

1 about the ANSS project?

2 A. No, I don't remember.

3 Q. Did you understand that the  
4 company Dallah Avco had a contract with  
5 the PCA to provide certain services in  
6 connection with the ANSS project?

7 A. Yes.

8 Q. Was one of those services  
9 manpower procurement or recruiting for  
10 the project?

11 A. No. There was a time where  
12 they were bringing Saudis to -- in the  
13 program. They called it the Saudization,  
14 which is bringing Saudi nationals into  
15 the program.

16 Q. Were there also foreign  
17 nationals?

18 A. Many.

19 Q. And was one of Dallah Avco's  
20 responsibilities, in connection with the  
21 project, to procure or recruit those  
22 foreign employees to work on the project?

23 A. The question is not clear.

24 Q. Well, you testified that Alp

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1 Karli was an ANSS employee.

2 Were there other ANSS  
3 employees within the Airways Engineering  
4 directorate who were providing work for  
5 Airways Engineering?

6 A. Karli did not bring in  
7 employees. But there was a Saudization  
8 program, meaning bringing Saudi nationals  
9 instead of foreign nationals.

10 Q. Did Dallah Avco also provide  
11 payroll processing services for ANSS  
12 employees, like Alp Karli?

13 A. I do not know.

14 Q. Do you know, when Alp Karli  
15 received his paycheck as an ANSS employee  
16 working in the Airways Engineering  
17 directorate, that paycheck was sent to  
18 him by Dallah Avco?

19 INTERPRETER MIKHAIL:

20 Counsel, can you please repeat the  
21 question one last time?

22 BY MR. KRY:

23 Q. Do you know, when Alp Karli  
24 received his paycheck as an ANSS employee

1 working in the Airways Engineering  
2 directorate, was that paycheck sent to  
3 him by Dallah Avco?

4 A. No.

5 Q. Do you mean no, you don't  
6 know; or --

7 A. (The Witness) No, I don't  
8 know.

9 (Through Interpreter) No, I  
10 do not know.

11 Q. In addition to Alp Karli,  
12 were there other ANSS employees in the  
13 contracts and finance control unit?

14 A. Yes.

15 Q. Was one of those employees,  
16 for example, a Mr. Al Awad?

17 A. I do not know. No, I don't  
18 know.

19 Q. Did those ANSS employees  
20 work in the Airways Engineering  
21 directorate offices?

22 A. Yes.

23 Q. Would those ANSS employees  
24 work side by side with other Airways

1 Engineering personnel as part of one  
2 integrated team?

3 A. Yes.

4 Q. Do you know whether any ANSS  
5 employees working in the Airways  
6 Engineering directorate had been  
7 recruited to those Airways Engineering  
8 positions by Dallah Avco?

9 A. Yes.

10 Q. I asked you earlier about a  
11 Mr. Al Awad. His full name was Mr.  
12 Azhari Al Awad.

13 Does that --

14 A. (The Witness) Yes, Azhari.

15 (Through Interpreter) Yes.

16 The answer is yes, Azhari, that's his  
17 name.

18 Q. Do you recognize him as  
19 another ANSS employee that worked in  
20 contracts and finance control?

21 A. Yes.

22 Q. Separate from the PCA  
23 Airways Engineering offices where Airways  
24 Navigation System Support employees

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1 worked, were you aware that Dallah Avco,  
2 the company, also had its own offices?  
3 Separate from those?

4 A. Yes. They were government  
5 employees and there were foreign  
6 employees that were working on the same  
7 project, yes.

8 Q. Do you know Dallah Avco's  
9 former recruitment manager, Jaber  
10 Khalifa, K-H-A-L-I-F-A?

11 A. No.

12 Q. Do you know Dallah Avco's  
13 former director of manpower services, a  
14 man named Riaz Khan?

15 A. No.

16 Q. Have you ever met the former  
17 chairman of Dallah Avco group, Alalwi  
18 Kamel?

19 A. Yes. Kamel, I did not meet  
20 him, but I know that he was a manager of  
21 executive personnel. But I do not know  
22 him.

23 So he wasn't responsible for  
24 the employees. He was a manager at

1     Dallah. I do not know what was his exact  
2     post.

3             Q. Did Mr. Kamel work in the  
4     PCA's Airways Engineering offices with  
5     you and Alp Karli, or did he work in  
6     Dallah Avco's offices?

7             A. No, he was at Dallah.

8             Q. When Dallah Avco recruited  
9     someone like Mr. Azhari to the ANSS  
10    project, did Dallah Avco have any ongoing  
11    responsibility to direct and supervise  
12    the work of those ANSS employees working  
13    in Airways Engineering?

14            A. I do not know.

15            Q. Throughout today's  
16    deposition, I'm going to refer to ANSS  
17    employees and also to Dallah Avco  
18    employees.

19                    When I refer to ANSS  
20    employees, I mean people like Alp Karli  
21    or Mr. Al Awad, who received -- who may  
22    have received paychecks from Dallah Avco  
23    but who work in Airways Engineering  
24    offices under the direction and

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1 supervision of Airways Engineering.

2 When I refer to Dallah  
3 Avco's employees, I mean people like  
4 Alawi Kamel who worked in Dallah Avco's  
5 offices.

6 And I realize that some  
7 people may use those terms differently.  
8 But I want you to understand and I want  
9 you to be clear about how I am using  
10 those terms when I ask my questions.

11 Do you understand the  
12 distinction I'm making there between  
13 people like Alp Karli who worked in  
14 Airways Engineering and people like Alawi  
15 Kamel who worked at Dallah Avco's  
16 headquarters?

17 MR. SHEN: I'm going to  
18 object. Objection to form.

19 You can answer, Mr. Bayoumi,  
20 if you understand that distinction  
21 that Mr. Kry has drawn.

22 THE WITNESS: No, I don't  
23 understand the difference.

24 BY MR. KRY:



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1 Q. Well, you testified that Alp  
2 Karli worked in Airways Engineering in an  
3 office next door to you and that he  
4 reported to al-Salmi.

5 And then you also testified  
6 that Alawi Kamel did not work in Airways  
7 Engineering with you two and instead  
8 worked at Dallah headquarters.

9 And so I'm going to refer to  
10 people like Alp Karli as ANSS employees,  
11 and I'm going to refer to people like  
12 Alawi Kamel as Dallah Avco employees.

13 Do you understand the  
14 distinction I'm drawing there?

15 A. Yes.

16 Q. On Wednesday of this week,  
17 you testified that Alp Karli reported to  
18 al-Salmi, but you also mentioned at one  
19 point that he reported to Dallah Avco.  
20 And I would like to ask you some  
21 questions to better understand what you  
22 meant by that.

23 A. So what I meant is Karli --  
24 Mr. Karli would manage the work at ANSS.

1     However, there were some transactions  
2     that he would refer to Salmi for these  
3     transactions. Also, there were other  
4     times that he would go to Dallah and hold  
5     meetings there, and that would be at  
6     Dallah.

7             Q.     Did you ever see Alawi Kamel  
8     come to the Airways Engineering offices  
9     and instruct Alp Karli how to perform his  
10    work at Airways Engineering?

11            A.     No.

12            Q.     Did you ever see anyone else  
13    come from Dallah headquarters to Airways  
14    Engineering to direct Alp Karli how to  
15    conduct his work?

16            A.     No. But people came from  
17    Dallah. Also, Karli was a big manager.  
18    He was not somebody to take instructions.  
19    He was someone to give instructions.

20            Q.     Did Karli ever take  
21    instructions from al-Salmi?

22            A.     I do not know.

23            Q.     Other than the fact that  
24    there were times that Alp Karli attended

1 meetings at the Dallah offices, are you  
2 aware of any other specific facts showing  
3 that Dallah Avco directed and supervised  
4 Alp Karli's work at Airways Engineering?

5 A. No.

6 Q. When Alp Karli went to  
7 Dallah offices to attend meetings, do you  
8 know what the subject of those meetings  
9 was?

10 A. No.

11 Q. All right.

12 MR. KRY: I'm going to mark  
13 as Exhibit-719 a document produced  
14 at KSA 1054.

15 This is a PCA form, dated  
16 November 23rd, 1993, concerning  
17 your transfer from the PCA's  
18 financial administration  
19 department to Airways Engineering.

20 BY MR. KRY:

21 Q. Mr. al-Bayoumi, why did you  
22 transfer from financial administration to  
23 Airways Engineering in 1993?

24 A. It was for the purpose of

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1 the Saudization of the posts at the  
2 Airways Engineering.

3 MR. KRY: Give me one  
4 moment.

5 - - -

6 (Whereupon, a discussion off  
7 the record occurred.)

8 - - -

9 MR. NITZ: It's in there,  
10 it's under Exhibit-364 because  
11 it's been previously marked. So  
12 it should be in there under 364.

13 - - -

14 (Whereupon, a discussion off  
15 the record occurred.)

16 - - -

17 MR. KRY: And I may have  
18 misspoken on the Bates number.  
19 This one was produced at KSA 4515.

20 MR. NITZ: No, you got it  
21 right, Robert. This is 1054.

22 MR. KRY: I think there's a  
23 discrepancy in the documents. Can  
24 I put up KSA 4515?

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1 MR. NITZ: I'll get that one  
2 up. And we'll call this one 719.

3 MR. KRY: Thank you.

4 - - -

5 (Whereupon, Exhibit  
6 al-Bayoumi-719, KSA0000004515,  
7 Human Resources Department Letter,  
8 was marked for identification.)

9 - - -

10 BY MR. KRY:

11 Q. Mr. al-Bayoumi?

12 A. (In English) Yes.

13 Q. Do you see that al-Salmi  
14 signed this form confirming that you had  
15 begun work at Airways Engineering in  
16 1993?

17 A. Yes.

18 Q. And do you recognize that  
19 signature as al-Salmi's on the left-hand  
20 side of the document?

21 A. Yes.

22 Q. To your knowledge, did  
23 anyone at Dallah Avco play any role in  
24 your transfer from financial

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1 administration to Airways Engineering?

2 A. No.

3 Q. This form identifies  
4 al-Salmi as your immediate supervisor in  
5 Airways Engineering.

6 Were you aware that PCA  
7 records listed al-Salmi as your immediate  
8 supervisor?

9 A. He was not my immediate  
10 supervisor, but anybody in the government  
11 sector had to report to him.

12 As for my direct supervisor,  
13 it was Alp Karli.

14 MR. NITZ: It seems like we  
15 might have lost Robert.

16 VIDEO TECHNICIAN: Do you  
17 want to go off record?

18 MR. NITZ: Why don't we take  
19 five minutes.

20 VIDEO TECHNICIAN: We're  
21 going off the record. The time is  
22 9:44 a.m.

23 - - -

24 (Whereupon, a brief recess

1                   was taken.)

2                                 -   -   -

3                   VIDEO TECHNICIAN:   We're  
4                   back on the record at 9:50 a.m.

5   BY MR. KRY:

6                 Q.     Mr. al-Bayoumi, I'm going to  
7                 show you an exhibit previously marked  
8                 Exhibit-708. This is the summary of your  
9                 interview with the 9/11 Commission.

10                   The second paragraph states  
11                   that, Omar al-Bayoumi first came to the  
12                   U.S. around August 1994 to enroll in an  
13                   ESL, English as a second language,  
14                   program at San Diego State University.

15                                 Is that an accurate  
16                   statement of the reason why you went to  
17                   the United States?

18                 A.     Yes.

19                 Q.     On the second page, the  
20                 memorandum states, in the second full  
21                 paragraph, Omar al-Bayoumi stressed he  
22                 very much enjoys being a student despite  
23                 his relatively advanced age.

24                                 Do you remember telling the

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1 9/11 Commission that?

2 - - -

3 (Whereupon, a discussion off  
4 the record occurred.)

5 - - -

6 THE WITNESS: It's not like  
7 I really enjoyed being a student.  
8 I have been a student all my life.

9 BY MR. KRY:

10 Q. The next sentence states, He  
11 was selected to participate in further  
12 education by his employer, PCA, based on  
13 his knowledge of English and his ability  
14 to teach accounting.

15 Is that an accurate  
16 statement?

17 A. Yes.

18 Q. And then the next sentence  
19 after that states, Omar al-Bayoumi's  
20 education program was approved by his  
21 boss, a Turkish American named Alp Karli,  
22 who worked in Jeddah in a PCA unit  
23 responsible for finances and contracts in  
24 the field of aviation services within



1 Saudi Arabia.

2 Is that a correct statement?

3 A. Yes.

4 Q. And the reference to a PCA  
5 unit in Jeddah, was that the contracts,  
6 finance and controls unit we looked at in  
7 the organizational chart a few moments  
8 ago?

9 A. No.

10 Q. What's --

11 A. The answer is no.

12 (The Witness) No.

13 Q. What unit responsible for  
14 finances and contracts were you referring  
15 to when you made that statement to the  
16 9/11 Commission?

17 A. I don't understand the  
18 question.

19 Q. Did Alp Karli work in an  
20 Airways Engineering unit in Jeddah  
21 responsible for finances and contracts?

22 INTERPRETER MIKHAIL: He  
23 seems to be frozen.

24 Interpreter will --

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1 INTERPRETER AL-HALABI: I'm  
2 sorry, there's a thunderstorm  
3 passing by, so it's affecting the  
4 Internet, I believe.

5 MR. KRY: You and I both.

6 THE WITNESS: Yes.

7 BY MR. KRY:

8 Q. And was that Airways  
9 Engineering unit the contracts, finance  
10 and controls unit we looked at on the  
11 organizational chart a few moments ago?

12 A. Yes, yes.

13 Q. Did Alp Karli, in fact,  
14 approve your education program?

15 A. Yes.

16 Q. Was anyone else involved in  
17 approving your education program?

18 A. I don't know.

19 MR. KRY: All right. Let's  
20 mark as, I think we're on  
21 Exhibit-720, a document produced  
22 at PEC-KSA1-71. These are records  
23 from San Diego State University.

24 - - -

1 (Whereupon, Exhibit  
2 al-Bayoumi-720,  
3 PEC-KSA1-000071-0083, San Diego  
4 State University Records, was  
5 marked for identification.)

6 - - -

7 MR. KRY: And if we turn to  
8 the page marked KSA 1-75.

9 BY MR. KRY:

10 Q. This is your progress report  
11 for fall 1994.

12 This document states that  
13 you had 92 percent attendance and  
14 includes grades and comments on your  
15 work.

16 Do you recognize this  
17 document as an accurate report of your  
18 studies at San Diego State University in  
19 fall 1994?

20 A. I don't remember.

21 Q. Do you recognize the courses  
22 listed on this transcript as the subjects  
23 you studied at San Diego State University  
24 in 1994?

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1           A.     Can you enlarge it a little  
2 bit?

3                     Yes.

4           Q.     Why did you decide to take  
5 these particular classes?

6           A.     I remember, I think it was  
7 part of the program available.

8           Q.     Did you believe that these  
9 courses would improve your job skills  
10 when you returned to the PCA?

11                    Strike that question. I'll  
12 ask it differently.

13                    Did you believe that these  
14 courses would include your job skills  
15 when you returned to Airways Engineering?

16           A.     Yes. That's the beginning  
17 of the English language, yes.

18           Q.     You mentioned that Alp Karli  
19 approved these studies.

20                    Did anyone -- besides that,  
21 did anyone at Dallah Avco have a role in  
22 selecting the courses you would attend at  
23 SDSU?

24                    MR. BEETAR: Bachar, you

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1           were disconnected. Can you please  
2           repeat the question? Because no  
3           one heard it.

4                         INTERPRETER AL-HALABI:

5           Okay. Of course. Thank you.

6                         THE WITNESS: (The Witness)  
7           Start again.

8                         MR. BEETAR: I'm sorry, you  
9           dropped off again. There is an  
10          Internet issue.

11                        THE WITNESS: I do not know.

12                        MR. KRY: Let's turn to Page  
13          KSA 1-79. And, actually, what I'm  
14          looking for is the spring 1995  
15          progress report.

16                        I think I got the page  
17          wrong. There you go. KSA 1-82.

18   BY MR. KRY:

19                        Q.     Mr. al-Bayoumi, do you  
20          recognize this as an accurate progress  
21          report for the studies you took at SDSU  
22          in spring 1995?

23                        A.     Yes.

24                        Q.     Did Alp Karli approve these

1 studies?

2 A. I don't know. It was an  
3 entire program. It wasn't, like, one  
4 semester here and there. It was an  
5 entire program.

6 Q. To your knowledge, was  
7 anyone else involved in approving these  
8 studies in spring 1995?

9 A. I don't know.

10 Q. Was your desire to pursue  
11 these studies at San Diego State  
12 University the reason you came to the  
13 United States in 1994?

14 A. The main reason for me was  
15 to learn the English language first.  
16 Then to try to continue my higher  
17 education. But I couldn't.

18 Q. Did you ever tell anyone at  
19 Dallah Avco that you were going to the  
20 United States for some reason other than  
21 pursuing educational studies?

22 A. No. The main reason was  
23 education.

24 MR. KRY: I'm going to mark

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1 as Exhibit-720 now a document  
2 produced at DA 1105.

3 MR. NITZ: Robert, I think  
4 we're at 721.

5 MR. KRY: Thank you.

6 - - -

7 (Whereupon, Exhibit  
8 al-Bayoumi-721, DA001105-1106,  
9 12/6/94 Letter, was marked for  
10 identification.)

11 - - -

12 MR. KRY: So we will mark as  
13 Exhibit-721 this document produced  
14 at DA 1105.

15 BY MR. KRY:

16 Q. This is a letter from Linda  
17 Lawton at San Diego State University to  
18 Mohammad al-Salmi, dated December 6th,  
19 1994, which discusses some of your  
20 options for further studies at SDSU.

21 Mr. al-Bayoumi, have you  
22 seen this letter before?

23 INTERPRETER AL-HALABI: What  
24 was the last name? I'm sorry,

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1 counselor.

2 MR. KRY: Lawton. It's on  
3 the letter. L-A-W-T-O-N.

4 THE WITNESS: I think I've  
5 seen it.

6 BY MR. KRY:

7 Q. When do you remember seeing  
8 it?

9 A. (The Witness) A long time  
10 ago. When I started.

11 Q. And, to your knowledge, did  
12 Linda Lawton, or anyone else at SDSU,  
13 send letters like these to Dallah Avco  
14 concerning your education?

15 A. I don't know.

16 MR. KRY: If we can zoom in  
17 on the last paragraph of this  
18 page.

19 BY MR. KRY:

20 Q. The last sentence says,  
21 He -- meaning you -- is insisting on a  
22 specialized English course in  
23 accounting/finance/contracts.

24 Do you recall, around this



1 time period, that you were insisting on a  
2 specialized English course in accounting,  
3 finance, contracts?

4 A. It's accounting and finance,  
5 yes. No engineering.

6 I don't remember. I don't  
7 remember exactly.

8 Q. Were those courses relevant  
9 to your work at Airways Engineering?

10 A. Yes. If it was -- if it was  
11 made available to me, it would help me a  
12 lot.

13 MR. KRY: Let's mark as  
14 Exhibit-722 a document produced at  
15 KSA 1032.

16 - - -

17 (Whereupon, Exhibit  
18 al-Bayoumi-722,  
19 KSA0000001032-1033, 5/30/94  
20 Letter, was marked for  
21 identification.)

22 - - -

23 BY MR. KRY:

24 Q. This is an employee leave of

1 absence request you submitted to the PCA  
2 for a 90-day regular leave, which  
3 ultimately started on August 28th, 1994.

4 Do you recall requesting a  
5 90-day leave from the PCA that started on  
6 August 28th, 1994?

7 A. Yes.

8 Q. Was the purpose of this  
9 leave to pursue your educational studies  
10 in San Diego?

11 A. It's not a leave. It's a  
12 vacation. It's time off.

13 Q. Was the purpose of this time  
14 off to pursue educational studies in San  
15 Diego?

16 A. Yes.

17 Q. The second block on this  
18 form is labeled, Official approval.

19 Do you recognize al-Salmi's  
20 signature in that block?

21 A. Yes.

22 Q. To your knowledge, did  
23 Dallah Avco have any role in approving  
24 this time-off request?

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1           A.       I do not know if it was  
2   Dallah Avco.   There are two initials here  
3   before al-Salmi.   But I do not know.

4                   MR. KRY:   Let's mark as  
5                   Exhibit-723 a document produced at  
6                   KSA 1040.

7                               -   -   -

8                   (Whereupon, Exhibit  
9                   al-Bayoumi-723,  
10                   KSA0000001040-1041, 11/6/94  
11                   Letter, was marked for  
12                   identification.)

13                               -   -   -

14   BY MR. KRY:

15               Q.       This is a November 6th,  
16   1994, request for a 90-day exceptional  
17   leave, starting November 27th, 1994.

18                   Do you recall that after  
19   your regular leave expired, you asked the  
20   PCA for a 90-day exceptional leave?

21               A.       Yes.

22               Q.       And was the purpose of that  
23   exceptional leave also to continue your  
24   educational studies in the United States?

1 A. Yes.

2 Q. Do you recognize al-Salmi's  
3 signature on this form, too?

4 A. Yes.

5 Q. And, to your knowledge, did  
6 Dallah Avco have any role in approving  
7 this request?

8 A. I do not know.

9 MR. KRY: Let's mark as  
10 Exhibit-724 a document produced at  
11 KSA 1046.

12 - - -

13 (Whereupon, Exhibit  
14 al-Bayoumi-724, KSA0000001046,  
15 2/7/1995 Letter, was marked for  
16 identification.)

17 - - -

18 BY MR. KRY:

19 Q. This is a February 7th,  
20 1995, request for a second 90-day  
21 exceptional leave to start on February  
22 27th, 1995.

23 Do you recall asking the PCA  
24 for this additional second exceptional

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1 leave after the first 90-day exceptional  
2 leave expired?

3 A. Yes.

4 Q. Was the purpose of that  
5 leave also to continue your studies in  
6 the United States?

7 A. Yes.

8 Q. Did al-Salmi sign this form,  
9 too?

10 A. Yes.

11 Q. And, to your knowledge, did  
12 Dallah Avco have any role in approving  
13 this second exceptional leave?

14 A. I do not know.

15 MR. KRY: I'm going to show  
16 you now an exhibit that was  
17 previously marked Kamel  
18 Exhibit-115, produced at DA 2267.

19 BY MR. KRY:

20 Q. This is a letter dated March  
21 30th, 1994, from al-Salmi to a company in  
22 Texas called Avco Overseas.

23 The letter states, You are  
24 requested to pay the tuition for Mr. Omar

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1 al-Bayoumi of U.S. \$4,430.

2 And further down, it adds:

3 In addition, you are requested to pay  
4 weekly living allowance up to 30 weeks of  
5 U.S. \$600 to Mr. al-Bayoumi.

6 When you were studying at  
7 SDSU in 1994 and 1995, did Avco Overseas,  
8 in fact, pay your tuition and living  
9 expenses, as stated in this letter?

10 A. I do not know.

11 Q. Who paid your tuition for  
12 San Diego State University?

13 A. Who paid? I don't know.

14 Q. Do you recall that an ANSS  
15 subcontractor paid your living expenses  
16 during the time you were in San Diego?

17 A. I think so, yes.

18 Q. And do you recognize Avco  
19 Overseas as a subcontractor that used to  
20 provide services for the ANSS project?

21 A. I don't remember.

22 Q. Did you ever discuss these  
23 subcontractor payments from Avco Overseas  
24 with al-Salmi?

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1           A.     I have nothing to do with  
2     it.   If I have to discuss anything, it  
3     would be with my direct supervisor, Alp  
4     Karli.

5           Q.     Do you recall discussing  
6     these subcontractor payments from Avco  
7     Overseas with Alp Karli?

8           A.     No.

9           Q.     Do you have any  
10    understanding why al-Salmi or Alp Karli  
11    arranged for these payments to be made to  
12    you indirectly through an ANSS project  
13    subcontractor rather than just having the  
14    PCA pay you directly?

15          A.     So, no, the PCA has nothing  
16    to do with it.   Because I went there as  
17    the Saudization program under the ANSS,  
18    the one -- the ANSS was paying for the  
19    project.   The PSA had nothing to do with  
20    it.

21                   MR. KRY:   Was that PCA?

22                   INTERPRETER MIKHAIL:   The  
23                   PCA had nothing to do with it,  
24                   yes.

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1 BY MR. KRY:

2 Q. To your knowledge, did  
3 Dallah Avco have any role in arranging  
4 for Avco Overseas to pay tuition and  
5 living expenses for you while you were at  
6 SDSU?

7 A. I don't know.

8 Q. Did you, in fact, receive  
9 the funds that you got from the  
10 subcontractor to cover your education and  
11 living expenses while you were in San  
12 Diego?

13 INTERPRETER MIKHAIL: He's  
14 asking for repetition. The  
15 interpreter will repeat.

16 THE WITNESS: Yes.

17 BY MR. KRY:

18 Q. Did you ever use any of  
19 those funds for any illegal purpose?

20 A. No. Impossible.

21 Q. And did you ever tell anyone  
22 at Dallah Avco that you were going to use  
23 these funds for any purpose other than  
24 your education and living expenses while



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1 you were studying in San Diego?

2 A. No. To start with, the  
3 money was not enough. The funds were not  
4 enough.

5 MR. KRY: Let's mark as  
6 Exhibit-725 a document produced at  
7 DA 2268.

8 - - -

9 (Whereupon, Exhibit  
10 al-Bayoumi-725, DA002268-2269,  
11 Presidency of Civil Aviation  
12 Purchase Request, was marked for  
13 identification.)

14 - - -

15 BY MR. KRY:

16 Q. This is a purchase  
17 requisition.

18 And at the very bottom, it  
19 states, Per PCA letter 3175/H/M 30 March  
20 1994, please provide five economy-class  
21 round-trip tickets.

22 Do you recall that Airways  
23 Engineering arranged for the plane  
24 tickets when your family traveled to the

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1 United States with you for your  
2 educational studies?

3 A. No.

4 Q. To your knowledge, did  
5 anyone at Dallah Avco have any role in  
6 connection with arranging those plane  
7 tickets?

8 A. No, I don't know.

9 MR. KRY: Let's mark as  
10 Exhibit-726 a document produced at  
11 DA 2281.

12 - - -

13 (Whereupon, Exhibit  
14 al-Bayoumi-726, DA002281, 9/10/94  
15 Fax, was marked for  
16 identification.)

17 - - -

18 BY MR. KRY:

19 Q. This is a September 10th,  
20 1994, fax from Airways Engineering  
21 directed to Avco Overseas.

22 The body of the fax states,  
23 Request you pay Mr. Omar al-Bayoumi in  
24 advance all his weekly living allowances

1     instead of three installments and invoice  
2     the ANSS III project account.

3                     Do you know why al-Salmi  
4     sent a letter to Avco Overseas asking  
5     them to pay your weekly living allowances  
6     in one lump sum instead of three  
7     installments?

8             A.     No, I don't know.

9             Q.     Do you recognize al-Salmi's  
10    signature at the bottom of that fax?

11            A.     Yes.

12            Q.     Next to the signature block,  
13    do you see that there are a couple  
14    initials?

15                   MR. KRY:   Can we zoom in on  
16                   this?

17                   THE WITNESS:   Yes.

18    BY MR. KRY:

19            Q.     Do those initials indicate  
20    to you that someone working under  
21    al-Salmi's direction may have prepared a  
22    draft of this document for Mr. al-Salmi  
23    to sign?

24            A.     No, I don't know.

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1 Q. Looking at the first  
2 initials, they look like SGC.

3 Do you recognize those as  
4 the initials of Samuel G. Coombs?

5 A. I don't know.

6 Q. And then the bottom initials  
7 look like MB.

8 Do you recognize those as  
9 the initials of Mohammad Basharahil?

10 A. No.

11 Q. Do you know if Mr. Coombs  
12 and Mr. Basharahil were ANSS employees in  
13 the logistics unit of Airways  
14 Engineering?

15 A. What I know is they are with  
16 the Airways Engineering. But I don't  
17 know if they were Dallah or ANSS or what  
18 exactly.

19 Q. To your knowledge, did any  
20 Dallah Avco employee have a role in  
21 deciding that your living expenses would  
22 be paid in one lump sum rather than three  
23 installments?

24 A. I don't know.

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1 Q. Okay.

2 MR. KRY: This is a  
3 convenient time for a break. How  
4 is the witness doing?

5 VIDEO TECHNICIAN: Going off  
6 the record at 10:32 a.m.

7 - - -

8 (Whereupon, a brief recess  
9 was taken.)

10 - - -

11 VIDEO TECHNICIAN: We're  
12 back on the record at 10:42 a.m.

13 BY MR. KRY:

14 Q. Mr. al-Bayoumi, do you  
15 recall before the break we saw that you  
16 obtained one 90-day regular leave and two  
17 90-day exceptional leaves from your civil  
18 service job to pursue educational studies  
19 in the United States?

20 A. Yes.

21 Q. Were you aware, at the time,  
22 that under the Saudi Civil Service  
23 Regulations, 90 days was the upper limit  
24 on the amount of regular leave that a

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1 civil servant could take during any one  
2 year?

3 A. Yes.

4 Q. And were you aware that  
5 under the Saudi Civil Service Regulations  
6 in effect at the time, there was a  
7 six-month limit on the amount of  
8 exceptional leave an employee could take  
9 during any three-year period?

10 A. During three years?

11 Q. Yes.

12 A. No, it's more than three  
13 years.

14 No, my service was more than  
15 three years.

16 Q. I recognize that.

17 But one of the types of  
18 leave you took was exceptional leave.  
19 And what I'm asking is, were you aware  
20 that, under the Saudi Civil Service  
21 Regulations, there was a maximum amount  
22 of exceptional leave a civil servant  
23 could take, and that that limit was six  
24 months within any three-year period?

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1           A.     I understand what you're  
2     trying to say.

3                     But I can take up to six  
4     months as an -- unpaid exceptional leave.

5           Q.     When you finished your  
6     spring 1995 classes at San Diego State  
7     University, did you still want to  
8     continue to pursue further educational  
9     studies in the United States?

10          A.     Yes. I still wanted to  
11     pursue writing and academic, which was  
12     good at the American Language Institute,  
13     but the oral was better at ELS. And this  
14     is why I enrolled at the ELS institute.

15          Q.     Do you recall learning at  
16     the time that because you had exhausted  
17     the amount of regular and exceptional  
18     leave you were allowed to take as a civil  
19     servant, you would have to make some  
20     alternative arrangements to enable you to  
21     stay in the United States to pursue those  
22     studies?

23          A.     No. It was an opportunity.  
24     After I finished the English studies,

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1 there was an opportunity at Wisconsin  
2 University for the program for the  
3 Master's study, and I enrolled.

4 Q. Do you recall learning that  
5 one way you would be able to pursue those  
6 additional studies in the United States  
7 was if you were seconded to the ANSS  
8 project, in which case you would no  
9 longer be subject to the 90-day and six  
10 months' limit on regular and exceptional  
11 leave?

12 A. I don't understand the  
13 question.

14 Q. Was the reason that you were  
15 seconded to the ANSS project to enable  
16 you to continue your educational studies  
17 in the United States?

18 A. No. At the beginning it was  
19 not so.

20 Q. What do you mean by that?

21 A. No, like, meaning at the  
22 beginning I took a leave and then I took  
23 an exceptional leave. And then I had the  
24 intention to enroll in the ANSS program



1 to pursue education, that is not true.

2 That is not what happened.

3 Q. What did happen?

4 A. It was not that it happened,  
5 it was not the intention.

6 Q. Is it what happened?

7 A. Yes.

8 Q. And do you recall testifying  
9 earlier this week that Airways  
10 Engineering made the arrangements for you  
11 to be seconded to the ANSS project so you  
12 could continue your educational studies  
13 in the United States?

14 A. No. I was supposed to study  
15 through the Saudization program through  
16 the secondment.

17 Q. Am I correct, though, that  
18 you testified that Airways Engineering  
19 were the ones who made those arrangements  
20 so that you could pursue those studies?

21 A. Yes.

22 Q. Did Dallah Avco ever do  
23 anything to recruit you as a candidate to  
24 work on the ANSS project?

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1 A. Yes. Alp Karli.

2 Q. So Alp Karli, the ANSS  
3 employee, was the one who helped you make  
4 these arrangements for you to be seconded  
5 to the ANSS project?

6 A. So when I first got to the  
7 ANSS, Karli spoke to me and he said,  
8 you're going to replace me, you're going  
9 to take my post, but get yourself ready.  
10 You need to study English and take  
11 courses for you to be qualified.

12 Q. And in order to accomplish  
13 that, Alp Karli helped make arrangements  
14 for you to be seconded to the ANSS  
15 project so that you could continue your  
16 studies in the United States?

17 A. I don't know if it was Karli  
18 or someone else. But it was Karli that  
19 helped with the project, and he's the one  
20 who told me, your post is going to be  
21 like that in the future.

22 Q. Okay. And the reason for  
23 the secondment was so you could pursue  
24 educational studies in the United States?

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1 A. Yes.

2 Q. And did anyone at Dallah  
3 Avco ever tell you that Dallah Avco, the  
4 company, had an urgent need for your  
5 services?

6 A. At that time, many companies  
7 wanted my services.

8 Q. Okay. But the reason why  
9 you were seconded to the project related  
10 to your educational studies?

11 A. No. It had to do with the  
12 Saudization.

13 Q. The -- when you say  
14 "Saudization," you're referring to the  
15 fact that you planned to take over Alp  
16 Karli's job at the contract, finance and  
17 controls unit?

18 A. Yes.

19 Q. And to do that, you needed  
20 to pursue educational studies in the  
21 United States?

22 A. Yes.

23 Q. All right.

24 MR. KRY: Let's put up a

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1 document previously marked Kamel  
2 Exhibit-112, which was produced at  
3 DA 1016.

4 BY MR. KRY:

5 Q. This is an authorization to  
6 hire form from al-Salmi authorizing  
7 Dallah Avco to hire you on to the ANSS  
8 project effective June 6, 1995.

9 Do you recognize the PCA  
10 letterhead at the top of this form?

11 A. Yes.

12 Q. And do you recognize  
13 al-Salmi's signature at the bottom of the  
14 form?

15 And I mean the signature on  
16 the right-hand side.

17 A. Yes. Yes.

18 Q. On the left-hand side, next  
19 to --

20 A. But there's someone -- I'm  
21 sorry.

22 There's someone who has his  
23 initial on the left-hand side.

24 Q. I was just about to ask you

1 about that.

2 On the left-hand side --

3 A. (The Witness) Sorry about  
4 that.

5 Q. -- next to Mr. al-Salmi's  
6 name, do you see the letters ALP?

7 A. Yes.

8 Q. And are those Alp Karli's  
9 initials?

10 A. Yes.

11 Q. Does that indicate to you  
12 that Mr. Karli may have prepared this  
13 form for al-Salmi's signature?

14 A. I think before it was -- the  
15 management was studying the idea. And  
16 then they send it to Alp Karli. It's a  
17 long process, very long process. Not  
18 only to Alp Karli or this guy or that  
19 guy, it's the management that takes -- or  
20 makes the decision. I don't know who  
21 does or what the procedure is.

22 Q. After you were seconded to  
23 the ANSS project in 1995, did you, in  
24 fact, continue your educational studies

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1 in the United States?

2 INTERPRETER AL-HALABI: The  
3 interpreter was asked to repeat  
4 the question, so he's going to.

5 THE WITNESS: Yes.

6 MR. KRY: Let's put up and  
7 mark as Exhibit-727 the document  
8 produced at PEC-KSA1-35.

9 - - -

10 (Whereupon, Exhibit  
11 al-Bayoumi-727,  
12 PEC-KSA1-000035-0036, ESL Language  
13 Centers Academic Report, was  
14 marked for identification.)

15 - - -

16 BY MR. KRY:

17 Q. This is a transcript from  
18 ELS Language Centers showing certain  
19 courses you took in 1995.

20 A. Yes.

21 Q. Does this transcript  
22 accurately reflect your coursework at ELS  
23 Language Centers in 1995?

24 A. Yes.

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1 MR. KRY: Let's mark as  
2 Exhibit-728 a document produced at  
3 PEC-KSA1-44.

4 - - -

5 (Whereupon, Exhibit  
6 al-Bayoumi-728,  
7 PEC-KSA1-000044-0047, West Coast  
8 University Transcript, was marked  
9 for identification.)

10 - - -

11 BY MR. KRY:

12 Q. This is a transcript from  
13 West Coast University showing your  
14 courses between late 1995 and early 1997.

15 Does this transcript  
16 accurately reflect the courses you took  
17 at West Coast University during that  
18 timeframe?

19 A. Yes.

20 MR. KRY: Let's mark as  
21 Exhibit-729 a document that was  
22 produced at PEC-KSA1-61.

23 - - -

24 (Whereupon, Exhibit

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1 al-Bayoumi-729, PEC-KSA1-000061,  
2 Alliant International University  
3 Transcript, was marked for  
4 identification.)

5 - - -

6 BY MR. KRY:

7 Q. This is your transcript from  
8 U.S. International University showing  
9 courses you took during 1997.

10 Does this transcript  
11 accurately reflect your coursework at  
12 U.S. International University in 1997?

13 A. (The Witness) Translation?

14 MR. KRY: We might have lost  
15 Bachar. Can we get someone else  
16 to hop on and translate?

17 INTERPRETER MIKHAIL:

18 (Complies with request.)

19 THE WITNESS: Yes.

20 MR. KRY: Next, let me put  
21 up a document that was previously  
22 marked Exhibit-681, produced at  
23 KSA 907.

24 BY MR. KRY:



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1 Q. This is the summary we saw  
2 earlier of the courses you took through  
3 George Washington University in 1999 and  
4 2000.

5 Is this summary an accurate  
6 reflection of the courses you took at  
7 George Washington University?

8 A. Yes.

9 Q. Throughout this entire  
10 five-year period, were you in the United  
11 States in order to pursue educational  
12 studies?

13 A. Yes.

14 Q. And during this entire  
15 five-year period, were you, in fact, in  
16 the United States in order to pursue  
17 educational studies -- I'm sorry. Strike  
18 that.

19 During this five-year  
20 period, were you, in fact, pursuing  
21 educational studies in the United States?

22 A. Yes.

23 Q. Did you ever tell anyone at  
24 Dallah Avco that you were in the United

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1 States for some purpose other than  
2 pursuing educational studies?

3 A. No.

4 Q. Was the coursework you were  
5 pursuing in the United States relevant to  
6 your job at Airways Engineering?

7 A. Yes.

8 Q. Was this coursework intended  
9 to improve your job skills at Airways  
10 Engineering?

11 A. Yes.

12 Q. And did you hope that by  
13 pursuing this coursework you would  
14 eventually take over Alp Karli's job as  
15 the head of the contracts, finance and  
16 controls unit in Airways Engineering?

17 A. Yes.

18 Q. During these five years you  
19 were seconded to the ANSS project, did  
20 you receive a salary and benefits as an  
21 ANSS employee?

22 MR. SHEN: Objection to  
23 form.

24 You can answer.

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1 THE WITNESS: I don't  
2 remember, but there was a  
3 difference in salaries.

4 BY MR. KRY:

5 Q. Do you recall that Dallah  
6 Avco issued those salary and benefit  
7 payments to you?

8 A. Yes. But I deserved more.

9 Q. Do you know whether Dallah  
10 Avco, under its contract with the PCA,  
11 was entitled to be reimbursed for the  
12 amounts that it paid you as an ANSS  
13 employee?

14 A. Can you repeat the question  
15 one more time?

16 I don't know.

17 MR. KRY: Let's put back up  
18 Kamel Exhibit-112 we were looking  
19 at. That was the PCA's 1995  
20 authorization to hire form.

21 BY MR. KRY:

22 Q. And if we can zoom in under  
23 your name, the form lists a particular  
24 job title that you were going to be

1 assigned to, as well as a position  
2 number, a task department, and then a  
3 level, which it lists as G.

4 Do you recall that al-Salmi  
5 originally assigned you to a Level G  
6 position on the ANSS project?

7 A. No.

8 Q. Do you know what it means  
9 for a position to be a Level G position?

10 A. Advanced position.

11 Q. Do you know whether the  
12 levels of the positions corresponded to  
13 different levels of salary and benefits?

14 A. There were different levels.

15 Q. But the amount of salary and  
16 benefits would change depending upon what  
17 the level of the position was?

18 A. Yes.

19 Q. And, to your knowledge, did  
20 Alawi Kamel, or any other Dallah Avco  
21 employee, have a role in deciding which  
22 level position you would be assigned to?

23 A. No, I don't know.

24 Q. Did Airways Engineering

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1 assign you to higher levels over the  
2 years on the project as time went on?

3 A. I don't understand the  
4 question.

5 Q. Well, you started out in a  
6 Level G position.

7 My question is, over the  
8 five years you were seconded to the  
9 project, do you recall that your level  
10 was later increased or promoted to a more  
11 higher-paying level?

12 A. Yes.

13 Q. And as you were promoted,  
14 you did, in fact, receive a higher amount  
15 of salary and benefits as an ANSS  
16 employee?

17 A. No.

18 Q. Did the amount of salary and  
19 benefits you received over the five years  
20 of your secondment change over time?

21 A. Yes, it changed.

22 Q. And do you know whether  
23 those changes were a result of you being  
24 assigned to different positions that had

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1 different levels associated with them?

2 A. No. It was associated with  
3 what I received in education. Like, the  
4 time period -- that time period, Alp  
5 Karli's salary was approximately 80,000  
6 to 100,000 riyal. My salary was 11,000  
7 riyal. That's a big, big, big  
8 difference.

9 Q. Do you know whether as you  
10 attained more education in the United  
11 States, Airways Engineering increased  
12 your level on the ANSS project?

13 A. Yes. They increased my  
14 level and my salary, but it was still at  
15 the lower rank or lower limit. But I  
16 agreed to continue my education only.

17 MR. KRY: Let's mark as  
18 Exhibit-730 a document produced at  
19 DA 298.

20 - - -

21 (Whereupon, Exhibit  
22 al-Bayoumi-730, DA000298, January  
23 2000 Letter, was marked for  
24 identification.)

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1 - - -

2 BY MR. KRY:

3 Q. This is a letter that you  
4 wrote to al-Salmi, which is stamped as  
5 having been received on January 17th,  
6 2000, requesting that al-Salmi authorize  
7 the disbursement of certain vacation pay  
8 that you were entitled to as an ANSS  
9 project employee.

10 Do you recall writing to  
11 al-Salmi to request that he authorize the  
12 disbursement of your vacation pay?

13 A. I don't remember, no.

14 Q. Is the signature toward the  
15 top of the document your signature?

16 A. (The Witness) Yes.

17 (Through Interpreter) Yes.

18 Q. And is the -- do you see  
19 there's also a handwritten response at  
20 the bottom of the letter?

21 A. Yes.

22 Q. And is the signature under  
23 that response al-Salmi's signature?

24 A. Yes.

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1           Q.     These salary and benefits  
2     that you received as an ANSS employee  
3     over the course of your five-year  
4     secondment, were those funds used to pay  
5     your education and living expenses in the  
6     United States while you were pursuing  
7     education?

8           A.     Yes.

9           Q.     Did you ever use those  
10    salary and benefits to fund any illegal  
11    activities?

12          A.     No.

13          Q.     Did you ever tell anyone at  
14    Dallah Avco that you were going to use  
15    your ANSS salary and benefits for any  
16    purpose other than your educational and  
17    living expenses in the United States?

18          A.     No.

19          Q.     Okay.

20                 MR. KRY:   We're going to  
21                 need to go on the FBI record for  
22                 about ten minutes.

23                 Can we do that, please?

24                 MS. PRITSKER:   DIB counsel



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1 is now being excluded from the  
2 deposition.

3 VIDEO TECHNICIAN: One  
4 moment.

5 - - -

6 (FBI Protected Material.)

7 - - -

8 VIDEO TECHNICIAN: Okay.  
9 You should be good.

10 MR. KRY: Can we please put  
11 up what was previously marked  
12 Exhibit-703, Bates numbered FBI  
13 1055?

- Filed publicly -  
Pls. Ex. 2G  
(EO 249-57)

14 This is the summary of the  
15 interview you gave to the FBI in  
16 2003. And if we can zoom in on  
17 the paragraph that spans from the  
18 bottom of Page 1 to the top of  
19 Page 2.

20 BY MR. KRY:

21 Q. That paragraph states as  
22 follows: Depending on the budgetary  
23 situation, al-Bayoumi was sometimes told  
24 that funding for his tuition and/or

1 living expenses were to be drawn directly  
2 from his salary. Al-Bayoumi did not  
3 recall the specific dates or periods of  
4 time during which he was told to pay for  
5 his tuition or housing from his salary.

6 At other times, al-Bayoumi  
7 received additional funds separate from  
8 his salary to pay for his tuition and  
9 housing. During these periods of time,  
10 his additional stipend would be  
11 increased. Al-Bayoumi does not recall  
12 the specific dates or periods of time  
13 during which he received an increased  
14 stipend.

15 Do you recall discussing  
16 this topic during your FBI interview?

17 A. Yes.

18 Q. And is the paragraph I just  
19 read back to you accurate?

20 A. I don't know if it's  
21 accurate or not. But that's what  
22 happened.

23 Q. Does the -- does what this  
24 paragraph reflects you telling the FBI

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1 accurately describe what happened?

2 A. So what happened at times  
3 with the project, there would be no  
4 budget, so the expenses and the money  
5 would be delayed. And then comes another  
6 time where the budget is disbursed and  
7 then they would disburse the money.

8 Q. This paragraph refers to  
9 from time to time you would receive  
10 additional stipends for your education  
11 and housing separate from your salary  
12 that you received as an ANSS employee.

13 Is that a correct  
14 description of what happened?

15 A. Yes. It was -- yes. If it  
16 was not added to the salary, it would  
17 come as a separate fund.

18 Q. Were those additional  
19 educational stipends sometimes paid by  
20 ANSS subcontractors?

21 A. Yes.

22 Q. And were those additional  
23 educational stipends sometimes paid as  
24 other allowances on your ANSS payroll?

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1           A.       Yes. At times where there  
2 would be no budget, then they would add  
3 the subcontractor to pay for the  
4 expenses. But it was during specific  
5 periods of time -- specific periods of  
6 time.

7           Q.       Earlier we looked at --  
8 strike that.

9                   MR. KRY: We can go off the  
10 FBI record now and take down this  
11 document.

12                   - - -

13                   (End of FBI Protected  
14 Material.)

15                   - - -

16                   VIDEO TECHNICIAN: Okay.

17                   MR. KRY: And if we could  
18 put up the document previously  
19 marked Exhibit-680, produced at  
20 PEC-KSA1-30 and 31.

- Filed publicly -  
Pls. Ex. 36  
(PEC-KSA1 30-31)

21                   VIDEO TECHNICIAN: Just for  
22 the record, everyone is back in  
23 the room now.

24                   MR. KRY: And we'll go to

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1 the second page of this document.

2 BY MR. KRY:

3 Q. Mr. al-Bayoumi, this is the  
4 January 22nd, 1997, letter from Magdi  
5 Hanna at Ercan Engineering to U.S.  
6 International University.

7 And Mr. --

8 MR. KRY: Well, translate  
9 that.

10 BY MR. KRY:

11 Q. And Mr. Hanna writes in this  
12 letter, This is to confirm that Ercan has  
13 been supporting Mr. Omar al-Bayoumi since  
14 the start of this year and will continue  
15 to do so until the year 2000. Ercan has  
16 been providing \$4,000 a month to support  
17 his educational program in the San Diego  
18 area.

19 Do you recognize the company  
20 identified in this letter, Ercan  
21 Engineering, as a subcontractor on the  
22 ANSS project?

23 A. Yes.

24 Q. Do you know whether Ercan

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1 took over some of Avco Overseas  
2 subcontractor responsibilities for the  
3 ANSS project in 1995?

4 A. No. I don't know.

5 Q. Do you see in this letter  
6 that Ercan claims that it will be paying  
7 you financial support in the amount of  
8 \$4,000 per month?

9 A. The support was for me to  
10 study and get accepted at a university.

11 MS. PRITSKER: My apologies.  
12 DIB counsel just wants to announce  
13 that they were excluded from the  
14 record from approximately  
15 11:20 a.m. Eastern to 11:27 a.m.  
16 Eastern. Thanks.

17 BY MR. KRY:

18 Q. Do you see that the amount  
19 of that support that Ercan claims it is  
20 going to provide to you was \$4,000 a  
21 month?

22 A. Yes, I do see.

23 But it was for me to  
24 continue with the studies. But they did

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1 not disburse the funds, nevertheless.

2 Q. Do you see that in this  
3 letter Ercan claims it would provide that  
4 support until the year 2000?

5 A. Yes.

6 Q. And do you --

7 A. Yes, I see it. But it's not  
8 correct.

9 Q. Do you see that this letter  
10 states that the purpose of the funding  
11 Ercan was going to provide was to support  
12 your educational program in the San Diego  
13 area?

14 A. Yes. This is a letter  
15 addressed to the university on the  
16 premise that I would be continuing -- for  
17 me to keep and continuing my education.  
18 But I never received the funds.

19 Q. So if I recall correctly,  
20 Mr. al-Bayoumi, earlier this week you  
21 testified that you did receive, on  
22 occasion, payments from Ercan, even  
23 though it was not consistently paid to  
24 you in the way that it was represented in

1 this letter.

2 Do you recall that  
3 testimony?

4 A. No. This letter is  
5 different. That was the learning  
6 language phase, and it was once or twice.  
7 But, no, this is not correct.

8 Q. But on the once or twice,  
9 did you receive educational funding from  
10 Ercan?

11 A. As far as I remember, yes.

12 Q. Did you, in fact, use those  
13 funds to pay your education and living  
14 expenses in the United States?

15 A. Yes.

16 Q. Did you ever use those funds  
17 for any illegal activities in the United  
18 States?

19 A. No.

20 Q. And did you ever tell anyone  
21 at Dallah Avco that you were using the  
22 Ercan funding for any purpose other than  
23 your educational and living expenses?

24 A. No.



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1 MR. KRY: All right. I need  
2 to go back on the FBI record for  
3 about ten minutes again.

4 MS. PRITSKER: [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 VIDEO TECHNICIAN: [REDACTED]

8 [REDACTED]

9 - - -

10 [REDACTED]

11 - - -

12 VIDEO TECHNICIAN: [REDACTED]

13 [REDACTED]

14 MR. KRY: [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 - - -

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 - - -

23 BY MR. KRY:

24 Q. [REDACTED]

[REDACTED]

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1 [REDACTED] [REDACTED]  
2 [REDACTED]  
3 MR. KRY: [REDACTED]  
4 [REDACTED] S  
5 [REDACTED]  
6 BY MR. KRY:  
7 Q. [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 A. [REDACTED]  
24 Q. [REDACTED]

[REDACTED]

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1

[REDACTED]

2

[REDACTED]

3

A.

[REDACTED]

4

Q.

[REDACTED]

5

[REDACTED]

6

[REDACTED]

7

[REDACTED]

8

[REDACTED]

9

A.

[REDACTED]

10

Q.

[REDACTED]

11

MR. KRY:

[REDACTED]

12

[REDACTED]

[REDACTED]

13

[REDACTED]

14

[REDACTED]

15

MR. POUNIAN:

[REDACTED]

16

[REDACTED]

17

[REDACTED]

18

MR. SHEN:

[REDACTED]

19

[REDACTED]

20

- - -

21

[REDACTED]

22

[REDACTED]

23

- - -

24

VIDEO TECHNICIAN:

[REDACTED]

[REDACTED]

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1

[REDACTED]

2

MR. KRY:

[REDACTED]

3

[REDACTED]

4

MS. PRITSKER:

[REDACTED]

5

[REDACTED]

6

[REDACTED]

7

[REDACTED]

8

[REDACTED]

9

[REDACTED]

10

[REDACTED]

11

[REDACTED]

12

[REDACTED]

13

[REDACTED]

14

MR. KRY: We're going to put

15

up Exhibit-732. It's a document

16

produced at DA 1104.

17

- - -

18

(Whereupon, Exhibit

19

al-Bayoumi-732, DA001104, 4/7/99

20

Letter, was marked for

21

identification.)

22

- - -

23

BY MR. KRY:

24

Q. Mr. al-Bayoumi, were you

[REDACTED]

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1     aware that in April of 1999 that PCA and  
2     Dallah Avco exchanged some correspondence  
3     about whether to renew your secondment  
4     for a fifth and final year?

5                     INTERPRETER MIKHAIL: He is  
6                     asking for repetition.  
7                     Interpreter will repeat.

8                     THE WITNESS: Yes, I do know  
9                     that there was correspondence  
10                    between them. But I don't know if  
11                    it was the fifth and the last  
12                    year.

13    BY MR. KRY:

14                    Q.     Do you recognize al-Salmi's  
15                    signature on the letter?

16                    MR. KRY: Could the tech  
17                    mute Mr. Cottreau?

18                    VIDEO TECHNICIAN: I muted  
19                    him.

20                    MR. KRY: Thank you.

21                    Did we get an answer to that  
22                    question?

23                    THE WITNESS: Yes, yes, yes.

24    BY MR. KRY:

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1 Q. And do you see that  
2 Mr. al-Salmi states in this letter, We  
3 would like to inform you that the  
4 Presidency wants to grant him secondment  
5 for a period of one year only to complete  
6 the task under which the Presidency  
7 approved this secondment?

8 A. Yes.

9 Q. At the time of this letter  
10 in April 1999, had you completed all of  
11 the educational studies that you planned  
12 to pursue in the United States?

13 A. No. The answer is no.

14 Q. And so were those further  
15 educational studies that you still wanted  
16 to pursue the task that Mr. al-Salmi was  
17 referring to in this letter, to your  
18 knowledge?

19 A. Yes. Because I did request  
20 to continue my education.

21 Q. Did you ever tell anyone at  
22 Dallah Avco that you were in the United  
23 States for some task other than pursuing  
24 educational studies?

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1 A. No.

2 Q. To your knowledge, did  
3 anyone at PCA ever tell Dallah Avco that  
4 you were in the United States for some  
5 task other than pursuing educational  
6 studies?

7 A. No.

8 Q. Okay.

9 MR. KRY: This is a good  
10 time for a break, if it's  
11 convenient for the witness.

12 VIDEO TECHNICIAN: We're  
13 going to go off the record, 11:42  
14 a.m.

15 - - -

16 (Whereupon, a brief recess  
17 was taken.)

18 - - -

19 VIDEO TECHNICIAN: We're  
20 back on the record at 11:55 a.m.

21 BY MR. KRY:

22 Q. Mr. al-Bayoumi, were you  
23 aware that Saudi law, at the time,  
24 imposed a five-year limit on the length

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1 of the secondment?

2 A. Yes.

3 Q. And did your fifth year  
4 secondment expire in spring 2000?

5 A. I really don't remember.

6 Q. After your fifth year of  
7 secondment expired, were you forced, as a  
8 result, to go back to the Kingdom for a  
9 couple of months?

10 A. I really don't remember.

11 Q. Notwithstanding the end of  
12 the five-year permitted period for  
13 secondments, did you still want to  
14 continue your educational studies?

15 A. I really don't remember. I  
16 don't remember.

17 Q. I'll represent to you that  
18 your fifth-year secondment did expire in  
19 spring of the year 2000.

20 My question is, then, in  
21 spring of 2000, did you still want to  
22 pursue further educational studies?

23 A. In 2000?

24 Q. Yes.



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1 A. (The Witness) What month?

2 Q. April, May; in that  
3 timeframe.

4 A. I believe so, yes. That was  
5 my fifth year.

6 Q. Did you learn that one way  
7 you could continue to pursue studies was  
8 to request an educational leave from the  
9 PCA?

10 A. I don't remember, no. I  
11 don't remember.

12 MR. KRY: Let's put up a  
13 document we looked at earlier in  
14 the deposition, it's Anqari  
15 Exhibit-384, produced at KSA 901.

16 BY MR. KRY:

17 Q. This is a May 11th, 2000,  
18 letter from al-Salmi to the PCA's  
19 personnel director asking the PCA to  
20 grant you a two-year study leave to  
21 pursue a Ph.D. degree in finance and  
22 accounting at George Washington  
23 University.

24 Do you recall looking at

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1 this document earlier?

2 A. No, I don't remember seeing  
3 it.

4 But what year was that  
5 Gregorian?

6 Q. This is May 11th, 2000, was  
7 the date of this letter.

8 A. Yes.

9 Q. Does this document refresh  
10 your recollection that al-Salmi, on your  
11 behalf, asked the PCA to grant you a  
12 two-year educational leave so you could  
13 pursue Ph.D. studies?

14 A. I don't remember that.

15 Q. To your knowledge, did  
16 anyone at -- to your knowledge, did  
17 anyone at Dallah Avco have a role in  
18 requesting this two-year educational  
19 leave for you from the PCA?

20 A. I don't know, no.

21 Q. Did you ever tell anyone at  
22 Dallah Avco that you wanted this  
23 educational leave for some reason other  
24 than continuing your educational studies?

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1 A. No.

2 Q. Why did you decide to pursue  
3 a Ph.D. in finance and accounting?

4 A. Because I had an opportunity  
5 to continue, I had two years, and I said  
6 to myself, let me pursue that in Britain.

7 Q. Were those subjects relevant  
8 to your work at Airways Engineering?

9 A. Yes.

10 Q. Were the studies designed to  
11 improve your job skills in Airways  
12 Engineering?

13 A. Yes.

14 Q. And did you hope that these  
15 studies would help enable you to take  
16 over Alp Karli's job as the head of the  
17 contracts, finance control group?

18 A. Yes.

19 Q. Do you recall earlier today  
20 that there was some testimony about the  
21 acceptance letter from George Washington  
22 University that was attached to this  
23 message from al-Salmi to the PCA?

24 Do you recall the earlier

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1 discussion about that document?

2 A. Yes.

3 Q. And I'm not going to ask you  
4 about the details of it.

5 But my only question is, did  
6 you ever send a copy of that document to  
7 Alawi Kamel or anyone else in the Dallah  
8 Avco offices?

9 A. No.

10 MR. KRY: Let's take down  
11 that document.

12 BY MR. KRY:

13 Q. During your two-year  
14 educational -- well, first of all, did  
15 the PCA, in fact, grant you a two-year  
16 educational leave?

17 A. In the year 2000, yes.

18 Q. During that two-year  
19 educational leave, did you continue to be  
20 hired on to various positions on the ANSS  
21 project?

22 A. I don't know exactly what  
23 the contracts were or what my contract  
24 was.

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1 MR. KRY: Let's put up a  
2 document previously marked Angari  
3 Exhibit-381, produced at DA 606.

4 BY MR. KRY:

5 Q. This is a PCA authorization  
6 to hire form from al-Salmi, dated April  
7 29th, 2000, assigning you to the position  
8 of assistant configuration specialist,  
9 effective April 13th, 2000.

10 Does this --

11 MR. KRY: Go ahead.

12 INTERPRETER ABDEL-RAHMAN:

13 No. Go ahead.

14 BY MR. KRY:

15 Q. Does this document refresh  
16 your recollection that you continued to  
17 hold ANSS employee positions during your  
18 educational leave?

19 A. No.

20 Q. Do you see al-Salmi's  
21 signature at the bottom right of the  
22 document?

23 A. Yes, yes.

24 Q. Do you see Alp Karli's

1 initials at the bottom left of the  
2 document?

3 A. Yes.

4 Q. To your knowledge, was  
5 anyone else, at Dallah Avco or otherwise,  
6 involved in assigning you to a position  
7 on the ANSS project in 2000?

8 A. I don't know.

9 Q. Did Airways Engineering  
10 assign you to the ANSS project during  
11 your educational leave so that you could  
12 receive funding for your educational and  
13 living expenses in the United States?

14 MR. SHEN: Objection.

15 Robert, can you just clarify the  
16 time period?

17 MR. KRY: During the  
18 educational leave period from --  
19 I'll strike that.

20 BY MR. KRY:

21 Q. Let me rephrase the  
22 question.

23 Did Airways Engineering  
24 assign you to the ANSS project during

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1 your educational leave period from 2000  
2 to 2002 so that you could use the salary  
3 to fund your educational and living  
4 expenses?

5 MR. HAEFELE: Foundation.

6 THE WITNESS: Yes.

7 BY MR. KRY:

8 Q. And did you, in fact, use  
9 the salary and benefits you received as  
10 an ANSS employee to fund your educational  
11 and living expenses?

12 A. Yes.

13 Q. Did you ever use the salary  
14 and benefits for any illegal activities?

15 A. No.

16 Q. And did you ever tell Dallah  
17 Avco that you were using the salary and  
18 benefits for any purpose other than your  
19 educational studies and living expenses?

20 A. No.

21 Q. This form says you were  
22 being assigned to a Level F position.

23 Do you see that?

24 A. Yes.

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1 Q. To your knowledge, did  
2 Dallah Avco have any role in assigning  
3 you to that level?

4 A. I don't know.

5 MR. KRY: Let's put up  
6 another exhibit that's previously  
7 marked, Anqari Exhibit-386.

8 BY MR. KRY:

9 Q. This is another  
10 authorization to hire form. This one is  
11 dated May 29th, 2000. So a month later  
12 than the exhibit we just looked at,  
13 although the effective date of the form  
14 is the same, April 13th, 2000.

15 And this one assigns you to  
16 a position of senior DSS programmer,  
17 which is a Level C position.

18 Do you recall in this time  
19 period, April and May 2000, complaining  
20 to your superiors in Airways Engineering  
21 that you were being paid less than you  
22 should be, based on your educational  
23 qualifications?

24 A. Yes.



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1 Q. Do you know whether, in  
2 response to those complaints, Airways  
3 Engineering agreed to promote you to a  
4 higher-level position on the ANSS project  
5 so that your salary would be increased?

6 MR. HAEFELE: Foundation.

7 THE WITNESS: What I know is  
8 that our department in the  
9 contracts and finance knew that I  
10 deserved more.

11 And to give you an  
12 explanation, Alp Karli, Alp  
13 Karli's salary was between 80 and  
14 100,000, while my salary was  
15 11,000. And when my salary was  
16 increased as a result of a  
17 promotion, it went up to 24,000,  
18 which is still close to the lower  
19 end of the salaries, much less  
20 than his.

21 BY MR. KRY:

22 Q. All right. Do you see  
23 al-Salmi's signature at the bottom of the  
24 form?

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1 A. May I add something?

2 Q. Yes.

3 A. And I was more qualified  
4 than Alp Karli at that time.

5 Q. Do you see al-Salmi's  
6 signature at the bottom right of the  
7 form?

8 A. Yes.

9 Q. And do you see Alp Karli's  
10 initials on the bottom left of the form?

11 A. Yes.

12 MR. KRY: Can we please put  
13 up what was previously marked  
14 Khan-95, produced at DA 97.

15 BY MR. KRY:

16 Q. This is a Dallah Avco form  
17 labeled, Air Navigation System Support  
18 married status employment offer. It's  
19 dated May 29th, 2000.

20 And it relates to the  
21 position of senior DSS programmer, which  
22 you'll recall is the Level C position  
23 that Airways Engineering assigned you to  
24 in May of 2000.

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1 Do you know what a married  
2 status position is on the ANSS project?

3 A. Yes.

4 Q. What's your understanding of  
5 a married status position?

6 A. It means -- it means that  
7 they will take care of the expenses of  
8 the children and the family as a whole,  
9 in addition to the salary.

10 Q. And so if you look at the  
11 last box on the chart there, it says --  
12 listed as one of the benefits you would  
13 receive under this position, school fees,  
14 and it states that you were entitled to,  
15 for a maximum of two children, 80 percent  
16 of the school fee within the Kingdom and  
17 U.S. dollars, \$3,000 abroad from each  
18 child.

19 Is that an example of the  
20 additional benefits that you were  
21 entitled to as a result of being assigned  
22 to a married status position?

23 A. Yes. This is wonderful,  
24 wonderful benefits that I'm seeing for

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1 the first time, \$3,000 a child. I've  
2 never seen anything in regards to that.  
3 Even the education for the children, I  
4 haven't seen anything until now.

5 MR. KRY: Let's take that  
6 down. Is the next exhibit 733?

7 COURT REPORTER: Yes.

8 MR. KRY: We will mark as  
9 Exhibit-733 an excerpt from the  
10 ANSS V contract. The English  
11 version starts at KSA 1139 and the  
12 Arabic version is at KSA 3266.

13 And we are going to look at  
14 Article 2-1-5, personnel status.  
15 That section is at KSA 3328 in the  
16 English version and KSA 3273 in  
17 the Arabic version.

18 - - -

19 (Whereupon, Exhibit  
20 al-Bayoumi-733,  
21 KSA0000003319-3290, Nonconsecutive  
22 Bates, Contract No. PCA-AE-97-020,  
23 was marked for identification.)

24 - - -

1 BY MR. KRY:

2 Q. This provision of the  
3 contract explains that, From past  
4 experience, it has become clear to the  
5 government that certain skills required  
6 under the contract are difficult to  
7 obtain on the international labor market  
8 and the personnel possessing such skills  
9 can only be induced to relocate if the  
10 benefit package offered to them includes  
11 the right to be accompanied by their  
12 families.

13 And then the next paragraph  
14 states, As referenced in Exhibit-1,  
15 manning schedule, all positions Levels A  
16 through E, are married status and all  
17 positions in Levels F through L are  
18 single status.

19 So under that provision,  
20 when you were promoted by Airways  
21 Engineering from Level F to Level C, did  
22 you then, for the first time, hold a  
23 married status position on the ANSS  
24 contract?

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1           A.     No.   In the beginning, it  
2     was single.

3           Q.     But after this latest  
4     promotion, it was married?

5           A.     Yes.

6           Q.     And as a result of being  
7     promoted to a married status position in  
8     2000, did you become entitled to  
9     significant additional benefits for your  
10    family's education and living expenses?

11          A.     Yes.

12                 MR. KRY:   Let's put up a  
13     document previously marked Khan  
14     Exhibit-103.   This is produced at  
15     DA 457 to 83.

16   BY MR. KRY:

17          Q.     These are electronic pay  
18     slips for the period November 1999 to  
19     January 2002 for you.

20                 And do you see on this pay  
21     slip, the first one is from November of  
22     1999, it has entries for basic salary,  
23     housing allowance and transportation?

24          A.     Yes, I see it.

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1 Q. Do you see there's also a  
2 line for, Other allowance?

3 A. Yes.

4 Q. What is your understanding  
5 of the reason why you received an other  
6 allowance?

7 A. I think it's for them to  
8 complete the salary difference. The  
9 salary was 11,546, which is nothing. I  
10 think it's for them to complete the  
11 salary.

12 Q. And were those other  
13 allowances intended to fund your  
14 education and living expenses in the  
15 United States?

16 A. Possible.

17 Q. Do you have any personal  
18 knowledge about how the amount of the  
19 other allowances on your pay slips was  
20 set?

21 A. No.

22 Q. Do you know a Dallah Avco  
23 employee named Riaz Khan who was the  
24 company's director of manpower services

1 during this timeframe?

2 A. No.

3 Q. Mr. Khan testified  
4 previously in this case that Airways  
5 Engineering determined the amount of the  
6 other allowances that would be paid to  
7 ANSS employees.

8 Do you have any specific  
9 reason to disagree with him?

10 A. (The Witness) Can I have the  
11 question, please?

12 INTERPRETER AL-HALABI: The  
13 witness asked to repeat the  
14 question.

15 THE WITNESS: I don't know.

16 BY MR. KRY:

17 Q. Do you know whether Mr.  
18 Khan, as the director of Dallah Avco's  
19 manpower services, would be knowledgeable  
20 about that topic?

21 A. I don't know.

22 MR. KRY: If we could turn  
23 to Page DA 462 of this exhibit.

24 BY MR. KRY:



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1 Q. This is the April 2000 pay  
2 slip.

3 A. (The Witness) Time to pray  
4 now.

5 MR. KRY: How long do you  
6 need?

7 THE WITNESS: (The Witness)  
8 Just ten minutes.

9 MR. KRY: Okay. We'll take  
10 a ten-minute break.

11 VIDEO TECHNICIAN: We're  
12 going to go off the record, 12:30  
13 p.m.

14 - - -

15 (Whereupon, a brief recess  
16 was taken.)

17 - - -

18 VIDEO TECHNICIAN: We're  
19 back on the record at 12:41 p.m.

20 BY MR. KRY:

21 Q. We were looking at  
22 Exhibit -- Khan Exhibit-103. And we've  
23 now gone to your April 2000 pay slip.

24 And if you'll look at this

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1 pay slip, the amount of the other  
2 allowance increases substantially.  
3 You'll recall in the earlier pay slip it  
4 was 1,742 riyals per month and now on  
5 this pay slip it's gone up to 14,271  
6 riyals.

7 Do you recall that around  
8 April 2000 you began receiving  
9 significantly larger other allowances in  
10 connection with your ANSS employee  
11 compensation?

12 A. Yes. Yes, I see the  
13 difference.

14 But like I mentioned before,  
15 this is something that I deserve. Maybe  
16 they weren't able to adjust the basic  
17 salary, but they adjusted other  
18 allowance.

19 It was -- my salary was  
20 supposed to increase. It was supposed to  
21 be over 25. But it was 24-something.

22 Q. And so did this increase in  
23 your other allowances happen around the  
24 time that you were complaining to Airways

1 Engineering about your salary level  
2 compared to Alp Karli's salary level?

3 A. No. As far as Alp Karli,  
4 may God give him more, that's a different  
5 subject.

6 But when someone with a high  
7 degree, Master's, for example, or  
8 something similar from America, it's  
9 supposed -- he's supposed to get higher  
10 salary. But I didn't mean to compare  
11 myself with Alp Karli.

12 Q. Fair enough.

13 Did the increase in the  
14 other allowances happen around the time  
15 you raised concerns with Airways  
16 Engineering that you weren't getting the  
17 salary you should in light of your  
18 educational experience and your expenses  
19 in the United States?

20 A. My educational experience  
21 and my previous work experiences, yes.

22 MR. KRY: If we can scroll  
23 down a few more pages to the July  
24 pay slip.

1 BY MR. KRY:

2 Q. You see that one also has an  
3 other allowance of 14,271 riyals?

4 A. Yes, I see it.

5 And I would like to add to  
6 that, that during that time period I was  
7 paying for my studies from my salary.

8 Q. So was this other allowance  
9 intended to fund your education and  
10 living expenses while you were on your  
11 educational leave in the United States?

12 MR. SHEN: Robert, did you  
13 say United States?

14 MR. KRY: Yes. I was going  
15 to --

16 MR. SHEN: All right. Go  
17 ahead.

18 MR. KRY: So strike it.

19 BY MR. KRY:

20 Q. Was this other allowance  
21 intended to fund your education and  
22 living expenses while you were on your  
23 educational leave outside the Kingdom?

24 MR. CARTER: Objection.

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1 Foundation.

2 THE WITNESS: Yes, yes.

3 BY MR. KRY:

4 Q. So I will represent to you  
5 that under the exchange rate at the time,  
6 14,271 Saudi riyals was equivalent to  
7 just under 4,000 U.S. dollars per month.

8 Do you recall earlier we saw  
9 a financial support letter from Ercan in  
10 which Ercan claimed that during your  
11 secondment they would provide financial  
12 support for you for educational expenses  
13 in the amount of \$4,000 per month?

14 A. Yes. But Ercan didn't pay  
15 anything for me, but filed -- or gave the  
16 application to the university.

17 But when I complained, I  
18 said it should be adjusted, my position  
19 should be adjusted, they added the  
20 allowance.

21 Q. And do you recall those  
22 Ercan letters stated that Ercan was only  
23 going to be paying that financial support  
24 until the year 2000?

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1           A.       Yes. They said that. But  
2 that didn't happen. It was only done so  
3 I get accepted at the university.

4           Q.       So would you agree that the  
5 amount of the other allowances you began  
6 receiving through the ANSS payroll was  
7 similar in amount to the funds that had  
8 formally been promised to you, whether or  
9 not paid, by one of the project  
10 subcontractors?

11          A.       I think so. There was a  
12 long time that I didn't get paid. So  
13 they started to complete the amount. It  
14 is possible.

15          Q.       And was the reason Airways  
16 Engineering began paying you these other  
17 allowances in the spring of 2000 to  
18 provide an additional educational stipend  
19 to cover your education and living  
20 expenses during your educational leave?

21                   MR. HAEFELE: Foundation.

22                   THE WITNESS: I don't know  
23 exactly. I don't know exactly.

24 BY MR. KRY:

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1 Q. Did you spend these funds on  
2 your education and living expenses during  
3 your educational leave?

4 A. Yes, yes.

5 Q. Did you ever spend these  
6 other allowances on any illegal  
7 activities?

8 A. No.

9 Q. When you received these  
10 other allowances from Airways  
11 Engineering, was it your understanding  
12 that they expected you would use the  
13 funds to pay your education and living  
14 expenses?

15 A. Yes.

16 Q. And when you complained to  
17 Airways Engineering about your salary  
18 being too low, was one of the points you  
19 made that you had significant education  
20 and living expenses out of the Kingdom  
21 and that you needed funds to pay for  
22 those?

23 A. Yes. There was an important  
24 point that the basic salary was not

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1 supposed to be 9,500, it was supposed to  
2 be 20,000-plus, at least, but, then, the  
3 addition of --

4 (The Witness) Other housing,  
5 other allowance and transportation.

6 (Through Interpreter) Other  
7 housing, other allowance and  
8 transportation.

9 Q. And did Airways Engineering  
10 increase your pay by increasing this  
11 other allowance in response to the  
12 complaints you had made to them?

13 A. They didn't tell me. After,  
14 I found out. But they didn't tell me.

15 Q. Did you ever tell anyone at  
16 Dallah Avco that you were using these  
17 other allowances for anything other than  
18 paying your educational and living  
19 expenses while you were on education  
20 leave?

21 MR. CARTER: Objection to  
22 form.

23 INTERPRETER MIKHAIL: I did  
24 not hear. Okay. Objection to



1 form.

2 THE WITNESS: No.

3 MR. KRY: Let's mark as  
4 Exhibit-734 a document produced at  
5 DA 601.

6 - - -

7 (Whereupon, Exhibit  
8 al-Bayoumi-734, DA000601-0602,  
9 8/27/01 Letter, was marked for  
10 identification.)

11 - - -

12 MR. SHEN: Robert, how much  
13 time do you have left?

14 MR. KRY: Twenty minutes,  
15 maybe.

16 BY MR. KRY:

17 Q. This is an August 27th,  
18 2001, memorandum from al-Salmi to Dallah  
19 Avco.

20 And it states, For the  
21 upcoming ANSS VI program, you are hereby  
22 authorized to make an offer to the  
23 attached man-month support staff and  
24 ancillary labor personnel in accordance

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1 with your budget allocations.

2 Do you see al-Salmi's  
3 signature on the document?

4 A. Yes.

5 Q. And do you see Alp's  
6 initials in the right-hand margin?

7 A. Yes.

8 Q. If we can go to the  
9 attachment, there's a chart that lists a  
10 number of different ANSS employees and  
11 their positions and levels.

12 Do you see that one of the  
13 personnel identified is Alp Karli, who is  
14 listed as having the position of manager,  
15 CFC, which is a Level A position?

16 A. Yes, I do see it.

17 Q. Do you see right underneath  
18 him, there's Azhari Al Awad, who is  
19 listed as a manager, program coordinator,  
20 Level A, also in the CFC?

21 A. Yes.

22 Q. And is that -- is the  
23 presence of those two individuals on this  
24 list consistent with your understanding

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1 that they were both ANSS employees?

2 A. Yes.

3 Q. Do you see two lines below  
4 that, your name is listed there, and  
5 you're listed as a senior contract  
6 specialist in the CFC with the level of  
7 B?

8 A. Yes.

9 Q. And do you recall that in  
10 August 2001 Airways Engineering gave you  
11 a promotion from a Level C position to a  
12 Level B position?

13 A. I don't remember.

14 Q. To your knowledge, did  
15 Dallah Avco have any role in giving you a  
16 promotion from a Level C position to a  
17 Level B position?

18 A. No.

19 MR. KRY: Let's put up  
20 what's previously marked as Khan  
21 Exhibit-100, produced at Dallah  
22 Avco 603.

23 BY MR. KRY:

24 Q. This is a November 13th,

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1 2001, memo from am Alp Karli to Dallah  
2 Avco.

3 And it states, As per the  
4 instructions of director general PCA AE,  
5 the above-named employee's new salary  
6 scale will be as follows.

7 And then it lists a new  
8 salary and benefits.

9 Do you see that Alp Karli  
10 sent this memo on PCA letterhead that  
11 says Airways Engineering Contracts and  
12 Finance Control?

13 A. I do see it. But I have no  
14 idea about it. I do not know.

15 Q. When Alp Karli refers to the  
16 director general PCA AE, do you  
17 understand that to be a reference to  
18 al-Salmi?

19 A. I don't know.

20 Q. Do you recall that your  
21 salary did decrease in November of 2001?

22 A. Yes. My salary did  
23 decrease, but it was according to the  
24 budget.

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1 Q. What do you mean by that?

2 A. At times there is money in  
3 the budget and they pay all the money  
4 that's owed. At other times there are  
5 deficits in the budget and then they  
6 don't pay.

7 Q. To your knowledge, did Alawi  
8 Kamel, or anyone else in the Dallah Avco  
9 offices, have any role in deciding to  
10 decrease your salary in November 2001?

11 A. No.

12 MR. KRY: Let's put up as  
13 Exhibit-735 a document produced at  
14 KSA 894.

15 - - -

16 (Whereupon, Exhibit  
17 al-Bayoumi-735, KSA0000000894,  
18 5/5/02 Letter, was marked for  
19 identification.)

20 - - -

21 BY MR. KRY:

22 Q. This is a letter dated May  
23 5th, 2002, from al-Salmi to the PCA's  
24 director of personnel affairs.

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1 And al-Salmi -- it is  
2 concerning a request that you had  
3 submitted in 2002 for a further two-year  
4 educational leave.

5 Do you remember requesting a  
6 further two-year educational leave from  
7 the PCA in 2002?

8 A. (The Witness) What is the  
9 question?

10 Q. Do you recall, in 2002,  
11 requesting a further two-year educational  
12 leave from the PCA?

13 A. I don't remember, no.

14 Q. This letter states, Due to  
15 the work conditions that require the  
16 presence of the aforementioned employee  
17 in his position, the department cannot  
18 approve his request at the present time,  
19 especially that the applicant has already  
20 got his academic degree.

21 Do you recall that in 2002  
22 al-Salmi recommended that the PCA deny  
23 your request for an additional two years  
24 of educational leave?

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1 A. I don't remember, no.

2 Q. Do you recognize al-Salmi's  
3 signature on this document?

4 A. Yes.

5 Q. Did your educational leave  
6 from the PCA, in fact, end in the year  
7 2002?

8 A. 2002? Yes, I think so. I  
9 don't remember exactly, but I believe it  
10 was around that time.

11 Q. And, to your knowledge, did  
12 Dallah Avco have any role in the PCA's  
13 decision not to give you a further  
14 educational leave?

15 A. I don't know.

16 Q. After your leave ended, did  
17 you go back to your civil service job at  
18 the PCA?

19 A. No.

20 Q. What did you do after your  
21 educational leave ended?

22 A. I went back to my work at  
23 the ANSS. I went back to my work at the  
24 ANSS.

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1 Q. By that do you mean the  
2 Airways Engineering directorate?

3 A. Yes. And after that I  
4 transferred to the PCA.

5 Q. Okay. Did your educational  
6 studies that you had taken over the  
7 previous seven and-a-half years help you  
8 do your job at the PCA more effectively?

9 A. Yes.

10 Q. Did those educational  
11 studies contribute to your career  
12 advancement at the PCA?

13 A. Yes.

14 Q. And did you, in fact,  
15 receive a number of promotions at the PCA  
16 during the 12 years you spent there after  
17 2002?

18 A. Yes.

19 Q. Okay.

20 MR. KRY: We can take the  
21 document down. I just have one  
22 final series of questions for you.

23 BY MR. KRY:

24 Q. Earlier in the deposition,



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1 the plaintiffs asked you some questions  
2 about interactions you had in the United  
3 States with two individuals, Nawaf  
4 al-Hazmi and Khalid al-Mihdhar, and in  
5 particular one occasion where you met  
6 them in a restaurant, one occasion where  
7 you helped them pay for a lease, and then  
8 one occasion where you were at their  
9 apartment in connection with a function.

10 Do you remember that  
11 testimony?

12 MR. HAEFELE: Objection to  
13 the characterization.

14 THE WITNESS: I did not help  
15 them. I did not help them. And  
16 it was not a party. It was an  
17 honoring of volunteers, and we  
18 used their apartment.

19 BY MR. KRY:

20 Q. I apologize. I didn't mean  
21 to misstate the question.

22 But you recall the testimony  
23 that you met them at a restaurant, you  
24 took them to a bank when they were trying

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1 to get a check to pay for the lease, and  
2 that there was some sort of honoring of  
3 volunteers at which you borrowed their  
4 apartment.

5 Is that a -- is that a fair  
6 summary?

7 MR. HAEFELE: Form.

8 THE WITNESS: Yes.

9 BY MR. KRY:

10 Q. Were those brief  
11 interactions with Mr. Hazmi and Mr.  
12 Mihdhar in any way related to your job  
13 duties in Airways Engineering?

14 MR. HAEFELE: Objection to  
15 form.

16 THE WITNESS: No.

17 BY MR. KRY:

18 Q. Were those brief  
19 interactions with Hazmi and Mihdhar in  
20 any way related to your job duties in  
21 connection with the ANSS project?

22 MR. HAEFELE: Objection to  
23 form.

24 THE WITNESS: No.

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1 BY MR. KRY:

2 Q. Were those interactions with  
3 Hazmi and Mihdhar in any way related to  
4 your relationship, to the extent you had  
5 one, with Dallah Avco?

6 A. No.

7 Q. Were those interactions with  
8 Hazmi and Mihdhar in any way related to  
9 your pursuit of educational studies in  
10 the United States?

11 A. No.

12 Q. Were those interactions with  
13 Hazmi and Mihdhar in any way related to  
14 the reasons why you came to the United  
15 States in the first place?

16 MR. CARTER: Objection to  
17 form.

18 THE WITNESS: No.

19 BY MR. KRY:

20 Q. Did anyone at Dallah Avco  
21 ever instruct you to provide assistance  
22 to Hazmi and Mihdhar?

23 A. No.

24 Q. Did you ever tell anyone at

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1     Dallah Avco that you had interacted with  
2     Hazmi and Mihdhar?

3             A.     No.

4             Q.     Did anyone at Dallah Avco  
5     ever instruct you to provide assistance  
6     to terrorists of any sort?

7             A.     No.

8             Q.     And did you ever tell anyone  
9     at Dallah Avco that you would or that you  
10    had had interactions with anyone that  
11    would later go on, a year and-a-half  
12    later, to participate in the 9/11  
13    attacks?

14                   MR. CARTER:  Objection to  
15                   form.

16                   MR. KRY:  Did we get the  
17                   answer?

18                   THE WITNESS:  The answer is  
19                   no.

20    BY MR. KRY:

21             Q.     Was your employment on the  
22    ANSS project some sort of sham cover  
23    employment designed to enable you to  
24    assist terrorists in the United States?

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1 A. Not at all.

2 Q. Did anyone at either the PCA  
3 or Airways Engineering or Dallah Avco  
4 ever tell you that your employment on the  
5 ANSS project was some sort of sham cover  
6 employment to enable you to provide  
7 assistance to terrorists in the United  
8 States?

9 MR. HAEFELE: Form.

10 THE WITNESS: No.

11 BY MR. KRY:

12 Q. Did you ever use the salary  
13 or allowances you received from being an  
14 ANSS employee to assist terrorists?

15 A. No.

16 Q. Did you ever request any  
17 salary or allowances from Dallah Avco for  
18 the purpose of assisting terrorists?

19 A. No.

20 Q. Did you ever tell anyone at  
21 Dallah Avco that you planned to use your  
22 salary or allowances to assist  
23 terrorists?

24 A. No.

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1 Q. Did you ever understand that  
2 the salary and allowances you received as  
3 an ANSS employee were some sort of reward  
4 for assisting terrorists in the United  
5 States?

6 A. No.

7 Q. What was the reason that you  
8 were in the United States?

9 MR. HAEFELE: Foundation.

10 THE WITNESS: Education.

11 BY MR. KRY:

12 Q. And can you think of any  
13 reason at all that anyone at Dallah Avco  
14 should have anticipated that you would  
15 briefly interact with two Saudis who  
16 would go on, a year and-a-half later, to  
17 be 9/11 hijackers?

18 MR. HAEFELE: Form and  
19 foundation.

20 THE WITNESS: I would not  
21 even believe it, to start with.

22 MR. KRY: Thank you, Mr.  
23 Bayoumi. Those are all the  
24 questions I have for you now.

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1 MR. SHEN: Mr. Bayoumi, I  
2 have some questions for you.

3 Do you want to take a break  
4 before we start or are you ready  
5 to go?

6 THE WITNESS: (The Witness)  
7 Ready to go, but then --

8 (Through Interpreter) I can  
9 carry on, and in half an hour I  
10 will need a break for prayer.

11 MR. SHEN: Just let us know.

12 - - -

13 EXAMINATION

14 - - -

15 BY MR. SHEN:

16 Q. For the record, this is Andy  
17 Shen, counsel for Saudi Arabia. I have a  
18 few questions for you this afternoon.

19 First, thank you, Mr.  
20 Bayoumi, for volunteering to appear here  
21 for your deposition.

22 The plaintiffs in this civil  
23 case have made the incredibly serious  
24 allegations that senior Saudi officials

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1 instructed you to assist the 9/11  
2 hijackers and that you instructed others  
3 to assist the 9/11 hijackers all in  
4 furtherance of their terrorist plot.

5 And although Mr. Pounian has  
6 spent three days asking you questions, he  
7 never asked you specific questions about  
8 those central allegations.

9 So let me ask you these  
10 questions.

11 MR. CARTER: Objection to  
12 form.

13 BY MR. SHEN:

14 Q. Did anyone in the Saudi  
15 government ever give you any instructions  
16 to assist Khalid al-Mihdhar or Nawaf  
17 al-Hazmi in any way?

18 A. No. And I would not have  
19 accepted such.

20 Q. Did anyone in the Saudi  
21 government ever give you instructions to  
22 assist any of the 9/11 hijackers?

23 A. No.

24 Q. Did you ever have



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1 discussions with anyone in the Saudi  
2 Embassy in Washington, D.C., about Khalid  
3 al-Mihdhar or Nawaf al-Hazmi?

4 A. No.

5 Q. Did you ever have  
6 discussions with anyone in the Saudi  
7 Embassy in Washington, D.C., about any of  
8 the 9/11 hijackers?

9 A. No.

10 Q. Have you had any discussions  
11 with anyone who worked in the Los Angeles  
12 Consulate about any of the 9/11  
13 hijackers, including Khalid al-Mihdhar or  
14 Nawaf al-Hazmi?

15 A. No.

16 Q. Have you ever had  
17 discussions with anyone -- strike that.

18 Have you ever had  
19 discussions with Fahad al-Thumairy about  
20 Nawaf al-Hazmi or Khalid al-Mihdhar?

21 A. No.

22 Q. Have you ever discussed any  
23 of the 9/11 hijackers with Fahad  
24 al-Thumairy?

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1 A. No.

2 Q. Did you ever instruct  
3 anybody else to assist any of the 9/11  
4 hijackers, including Khalid al-Mihdhar or  
5 Nawaf al-Hazmi?

6 A. No.

7 Q. Did you have any knowledge  
8 whatsoever, prior to the 9/11 attacks,  
9 that Khalid al-Mihdhar or Nawaf al-Hazmi  
10 were planning to commit terrorist attacks  
11 against the United States?

12 A. No.

13 Q. Did you have any suspicions  
14 that Khalid al-Mihdhar and Nawaf al-Hazmi  
15 were planning to commit terrorist attacks  
16 in the United States?

17 A. No.

18 Q. Plaintiffs have made  
19 allegations to the court that you were a  
20 Saudi intelligence officer.

21 Is there any truth  
22 whatsoever to that allegation?

23 A. Not at all.

24 Q. Have you ever been a Saudi

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1 intelligence officer?

2 A. No. No, never.

3 Q. Have you ever served as an  
4 agent for any Saudi law enforcement  
5 agency?

6 A. No.

7 Q. Have you ever had an  
8 assignment for the Ministry of Interior?

9 A. No.

10 Q. Have you ever had any  
11 assignment for any Saudi intelligence or  
12 law enforcement agency?

13 A. No.

14 Q. Now, Mr. Pounian asked you  
15 questions about meeting Khalid al-Mihdhar  
16 and Nawaf al-Hazmi for the first time in  
17 early 2000 in a restaurant in Los  
18 Angeles.

19 Did you plan to meet  
20 Mr. al-Mihdhar and Mr. al-Hazmi at this  
21 restaurant in advance?

22 A. No, not at all.

23 Q. Was it a coincidence that  
24 you met them at this restaurant?

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1 A. Yes.

2 Q. Did anyone instruct you to  
3 meet them at this restaurant in Los  
4 Angeles?

5 A. No.

6 Q. Did anyone instruct you to  
7 go to this restaurant at all?

8 A. No.

9 Q. Did you ever discuss this  
10 meeting with Fahad al-Thumairy?

11 A. No.

12 Q. Did you ever discuss this  
13 meeting with anyone working for the Saudi  
14 Embassy, the Saudi Consulate or the Saudi  
15 government?

16 A. No.

17 Q. Now, in your testimony over  
18 the last two days, you said that your  
19 encounter with Mr. Hazmi and Mr. Mihdhar  
20 at this restaurant was very short.

21 Do you recall that?

22 A. Yes.

23 Q. And during this very short  
24 encounter, did you offer to help these

1 two individuals in any way?

2 A. No.

3 Q. During this short encounter,  
4 did you invite Mr. Mihdhar or Mr. Hazmi  
5 to travel to San Diego?

6 MR. POUNIAN: I'd like to  
7 raise an objection here. I object  
8 to the leading nature of these  
9 questions, Andy. I think that  
10 with a witness of this nature, you  
11 have to ask him questions about  
12 what he said and what was said to  
13 him.

14 MR. SHEN: That is not --

15 MR. POUNIAN: And I think  
16 it's improper for you to be asking  
17 him yes-and-no questions  
18 regarding --

19 MR. SHEN: Your objection is  
20 noted.

21 MR. POUNIAN: -- his  
22 conversations.

23 MR. SHEN: Your objection is  
24 noted.

1 MR. POUNIAN: No, I want to  
2 make it clear for the record.  
3 Because with the nature of this  
4 witness and the fact that you  
5 are -- that he's essentially in  
6 your corner, I think it's improper  
7 for you to be questioning him in a  
8 leading fashion at this point.

9 MR. SHEN: Okay. None of  
10 these questions are leading in any  
11 way.

12 MR. POUNIAN: Well, the  
13 questions you were just asking now  
14 are leading, about the  
15 conversations he was having with  
16 Nawaf and Khalid at the  
17 restaurant.

18 And you can simply ask him  
19 what he talked to them about  
20 rather than asking him questions  
21 that lead to yes-or-no answers.

22 BY MR. SHEN:

23 Q. Mr. Bayoumi, did you drive  
24 Khalid al-Mihdhar and Nawaf al-Hazmi to

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1 San Diego?

2 A. No.

3 Q. Do you know how they  
4 traveled from Los Angeles to San Diego?

5 A. No.

6 Q. Did you ever drive Nawaf  
7 al-Hazmi or Khalid al-Mihdhar anywhere?

8 A. No.

9 Q. Now, you testified, in  
10 response to Mr. Pounian's questions, that  
11 the first time you saw Nawaf al-Hazmi and  
12 Khalid al-Mihdhar in San Diego was at the  
13 mosque, the ICSD.

14 Had you made plans  
15 beforehand to see Khalid al-Mihdhar and  
16 Nawaf al-Hazmi at that mosque in San  
17 Diego?

18 A. No.

19 Q. Had either individual  
20 contacted you and said they were going to  
21 be at that mosque in San Diego or that  
22 they were coming down to San Diego?

23 A. No.

24 Q. Had anyone told you in

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1 advance that Khalid al-Mihdhar and Nawaf  
2 al-Hazmi were going to be traveling from  
3 Los Angeles to come to San Diego?

4 A. Nobody.

5 MR. SHEN: Chris, can we  
6 have 139 in the exhibit share,  
7 please. And this will be  
8 Exhibit-736.

9 Actually, we need to go on  
10 the FBI record, please.

11 MS. PRITSKER: DIB counsel  
12 is now being excluded from the  
13 deposition.

14 - - -

15 (FBI Protected Material.)

16 - - -

17 (Whereupon, Exhibit  
18 al-Bayoumi-736, No Bates, 10/23/03  
19 Letter, was marked for  
20 identification.)

21 - - -

22 (Whereupon, a discussion off  
23 the record occurred.)

24 - - -



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1 MR. SHEN: This particular  
2 document -- this particular  
3 document, because it's an FBI  
4 document, should not be posted.

5 VIDEO TECHNICIAN: All set,  
6 Andy.

7 MR. SHEN: Are we good?

8 VIDEO TECHNICIAN: Yes.

9 MR. SHEN: All right.

10 So I'm going to ask my  
11 colleague, Chris, to show you a  
12 document on his computer. We're  
13 going to mark this as Exhibit-736.

14 MR. YOUNG: Andy, you said  
15 131?

16 MR. SHEN: Tab 139. The  
17 document you uploaded, which  
18 afterwards you should take down.

19 MR. YOUNG: Yes, it's  
20 deleted.

21 MR. HAEFELE: For the rest  
22 of us, do we get a hint as to what  
23 it is you're showing him?

24 MR. SHEN: And if we can

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1 scroll down and read off the Bates  
2 number, please.

3 MR. POUNIAN: I don't see a  
4 Bates number.

5 BY MR. SHEN:

6 Q. This is a version of the  
7 document that plaintiffs had showed  
8 earlier, it reflects the application to  
9 rent an apartment at Parkwood Apartments  
10 complex.

- Filed publicly -  
Pls. Ex. 679J  
(FBI 8023-60)

11 MR. SHEN: If we can show  
12 the document, please. And if we  
13 could look very quickly at  
14 internal Page 4 and Page 5, which  
15 is the application to rent.

16 MR. HAEFELE: For the  
17 record, Andy, I'm still not seeing  
18 any Bates number that directs us  
19 to where we can pull it up so we  
20 can see it.

21 MR. POUNIAN: Is this any  
22 different than the exhibit that  
23 was put in?

24 MR. SHEN: I don't think --

1 I don't think it's different.  
2 It's just our version of it, and I  
3 don't have yours.

4 MR. POUNIAN: I'm seeing --  
5 I'm seeing -- there's wording  
6 added on to this document.

7 MR. SHEN: We'll send over a  
8 copy of this. But this is the, as  
9 I understand it, the same document  
10 that was shown before.

11 MR. SHEN: If you could show  
12 Page 5, please.

13 BY MR. SHEN:

14 Q. And, sir, Mr. Bayoumi, do  
15 you recall that Mr. Pounian asked you  
16 questions about an application for an  
17 apartment for Khalid al-Mihdhar and Nawaf  
18 al-Hazmi?

19 A. Yes.

20 Q. And, sir, why did you refer  
21 Mr. Mihdhar and Mr. Hazmi to this  
22 apartment complex?

23 A. There was an empty  
24 apartment, and they wanted to rent it.

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1 Q. And, sir, if you refer  
2 somebody to the apartment complex, is  
3 there any compensation that you would  
4 receive?

5 A. Yes, from the manager. She  
6 would give me \$100, \$200.

7 Q. And, sir, is that one of the  
8 reasons why you referred Mr. Mihdhar and  
9 Mr. Hazmi to this apartment?

10 A. It was a chance, or an  
11 opportunity, if there was an available  
12 apartment. And I told them there was an  
13 available apartment.

14 Q. And did you collect a  
15 referral fee for referring these  
16 individuals to this apartment?

17 A. From the manager? Yes.

18 Q. Sir, if we scroll down a  
19 little bit further in this page, you'll  
20 see that the date of this document is  
21 signed February 4th, 2000.

22 Do you see that?

23 A. Yes.

24 Q. And, Mr. Bayoumi, do you

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1 recall being asked by Mr. Pounian whether  
2 you wrote a cashier's check in connection  
3 with the application for this apartment?

4 A. Yes.

5 MR. SHEN: [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 COURT REPORTER: [REDACTED]

10 MR. SHEN: [REDACTED] [REDACTED]

11 - - -

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 - - -

16 MR. SHEN: [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 BY MR. SHEN:

21 Q. [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 A. [REDACTED]

[REDACTED]

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1 Q. [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 A. [REDACTED]

5 Q. [REDACTED]

6 [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 A. [REDACTED]

15 [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 (The Witness) [REDACTED]

20 [REDACTED]

21 [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED]

23 [REDACTED]

24 (Through Interpreter) [REDACTED]

[REDACTED]

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1 [REDACTED] [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED] [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED] [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 Q. [REDACTED]  
16 [REDACTED]  
17 A. [REDACTED]  
18 Q. [REDACTED]  
19 [REDACTED]  
20 A. [REDACTED]  
21 Q. [REDACTED]  
22 [REDACTED]  
23 A. [REDACTED]  
24 Q. Now, you testified, in

[REDACTED]

1 response to Mr. Pounian's questioning,  
2 that when you first arrived in  
3 California, someone in the community  
4 assisted you in finding housing; is that  
5 correct?

6 A. Yes.

7 Q. Go ahead, sir.

8 A. (In English) Go ahead for  
9 translation.

10 (The Interpreter) Yes.

11 Because it's required to anyone who lives  
12 in America, to bring someone to guarantee  
13 with him or cosign. So when one would  
14 come to the mosque, they would all cosign  
15 with them.

16 An American person came with  
17 me from the mosque. So we went and  
18 rented an apartment. I didn't know him,  
19 he didn't know me. We met at the mosque,  
20 I told them I need an apartment, so we  
21 looked for -- we looked for an  
22 apartment -- apartment complexes until we  
23 found this apartment, and I lived there.

24 Q. Mr. Bayoumi, is it typical



1 or atypical, in the Islamic community, to  
2 assist newcomers to that community even  
3 if they are strangers?

4 MR. CARTER: Objection.

5 THE WITNESS: Yes. Like, if  
6 you go to the community, for  
7 example, and ask for someone to  
8 cosign with you or something, to  
9 rent an apartment, at least ten  
10 people would help you without  
11 hesitation.

12 BY MR. SHEN:

13 Q. Would that be the case even  
14 if you were a stranger?

15 A. Yes. There was no worries  
16 or doubt about anything. Always,  
17 whenever a student or somebody would need  
18 somebody to cosign with him, that a  
19 student is coming to America -- or came  
20 new to America, is going to need help, is  
21 going to need someone to cosign with him.  
22 I don't know anybody who is going to help  
23 me. I need -- there must be somebody to  
24 cosign.

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1 Q. Now, sir, we saw from the  
2 prior document that the date of the  
3 rental application was February 4th of  
4 2000.

5 Do you recall that?

6 A. Yes, I saw it on the screen,  
7 yes.

8 MR. SHEN: All right. We  
9 can go off the FBI record, please.

10 - - -

11 (End of FBI Protected  
12 Material.)

13 - - -

14 VIDEO TECHNICIAN: Okay. I  
15 let everyone back in.

16 BY MR. SHEN:

17 Q. Mr. Bayoumi, after the date  
18 of the document that we just looked at,  
19 you testified, in response to Mr.  
20 Pounian's questions, that you traveled to  
21 Washington, D.C.?

22 MS. PRITSKER: I apologize.

23 DIB counsel was excluded from the  
24 deposition at approximately 1:34

1 p.m. Eastern and has now been  
2 allowed to join. Thank you.

3 BY MR. SHEN:

4 Q. After the date of the  
5 document we looked at, you testified, in  
6 response to Mr. Pounian's questions, that  
7 you traveled to Washington, D.C.; is that  
8 correct?

9 A. Yes, that's correct. I  
10 traveled to Washington. But I don't  
11 remember the exact dates.

12 Q. And approximately how long  
13 after that application was filled out did  
14 you travel to Washington, D.C., just  
15 approximately?

16 A. I don't remember  
17 specifically how long. But I took two  
18 courses there, at the Watergate building  
19 at Washington University. I don't  
20 remember the exact date.

21 Q. Okay. Was it a -- was it a  
22 matter of weeks after you went to the  
23 apartment complex with Khalid and Nawaf?  
24 Was it a month later? Approximately how

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1 long afterwards?

2 A. I can't say a date  
3 specifically. But I don't remember.

4 Q. Okay. And how long did you  
5 stay in Washington, D.C., for during this  
6 visit?

7 A. I don't remember. Ten to 15  
8 days. It was about 10 to 15 days. I  
9 don't remember exactly, because it was a  
10 long time ago.

11 Q. And did you testify that  
12 during that trip you took courses at  
13 George Washington University?

14 A. Yes.

15 Q. All right.

16 A. And I got a certificate from  
17 there, too.

18 Q. And just focusing on the  
19 time period between the time when Khalid  
20 al-Mihdhar and Nawaf al-Hazmi first  
21 arrived in San Diego to the time period  
22 when you left for Washington, D.C., can  
23 you describe whether you had frequent  
24 interactions with them?

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1           A.     No, there was no  
2 interactions with them at all. If there  
3 is anything, it would be Salam Alaikum,  
4 and I would answer Alaikum Salam.

5           Q.     Now, aside from referring  
6 Nawaf al-Hazmi and Khalid al-Mihdhar to  
7 the apartment where you lived, the  
8 apartment complex where you lived, did  
9 you assist them in any way?

10          A.     No.

11          Q.     Did you ever assist them in  
12 signing up for any courses in the United  
13 States?

14          A.     No.

15          Q.     Did you ever assist them in  
16 finding flight schools in the United  
17 States?

18          A.     No.

19          Q.     Did you even know that they  
20 were looking for flight schools in the  
21 United States?

22          A.     No.

23          Q.     Did you instruct anyone else  
24 in the community to assist them in any

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1 way?

2 A. No.

3 Q. Now, when you were in  
4 Washington, D.C., and you testified that  
5 you were taking courses at George  
6 Washington University, did you have any  
7 conversations at all with Khalid  
8 al-Mihdhar or Nawaf al-Hazmi during that  
9 time period when you were in Washington,  
10 D.C.?

11 A. No.

12 Q. During that time period when  
13 you were in Washington, D.C., did you  
14 have conversations with anyone about  
15 Khalid al-Mihdhar and Nawaf al-Hazmi?

16 A. No.

17 Q. And during that trip to  
18 Washington, D.C., did you give any  
19 instructions to anyone else to assist  
20 Khalid al-Mihdhar and Nawaf al-Hazmi?

21 A. No.

22 Q. And you testified that you  
23 stayed in Washington, D.C., for 10 to 15  
24 days; is that right?

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1 A. Yes.

2 Q. And after that did you  
3 arrive back in San Diego?

4 A. Yes.

5 MR. SHEN: All right. Let's  
6 show the next exhibit, it's going  
7 to be Exhibit-787.

8 Chris, can you put this  
9 exhibit in the exhibit share.  
10 It's going to be Tab 388.

11 MR. KRY: Sorry, Andy, what  
12 exhibit are you using? I'm not  
13 sure --

14 MR. YOUNG: I think it's  
15 going to be 738.

16 MR. SHEN: I'm sorry, what  
17 did I say?

18 - - -

19 (Whereupon, Exhibit  
20 al-Bayoumi-738, KSA0000006464,  
21 Ministry of Interior, Entrance and  
22 Exit Information, was marked for  
23 identification.)

24 - - -

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1 MR. YOUNG: The exhibit has  
2 been introduced.

3 MR. SHEN: 738, thank you.

4 BY MR. SHEN:

5 Q. Exhibit-738 is a document,  
6 KSA 6464. I'm going to represent to you  
7 that this is information from the  
8 Ministry of Interior setting out your  
9 entry and exit information to and from  
10 the Kingdom.

11 And on the left-hand side of  
12 the screen, the third row from the  
13 bottom, there is an entry which says that  
14 you entered the Kingdom of Saudi Arabia  
15 from the United States the 12th month,  
16 25th day, 1420.

17 Do you see that?

18 MR. SHEN: Chris, if you can  
19 just scroll to the left and expand  
20 the document a little bit.

21 BY MR. SHEN:

22 Q. Sir, do you see the entry  
23 date into the Kingdom of Saudi Arabia  
24 from the United States? The 12th month,



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1 25th day, 1420?

2 A. Yes, yes.

3 Q. And I will represent to you  
4 that that corresponds to a Gregorian date  
5 of March 31st of 2000.

6 And, sir, this document  
7 indicates that you traveled to Saudi  
8 Arabia and entered the country on March  
9 31st of 2000.

10 And, sir, focusing on the  
11 time period after you came back to San  
12 Diego from your trip to Washington, D.C.,  
13 until March 31st, 2000, when you traveled  
14 to Saudi Arabia, did you have any  
15 interactions with Khalid al-Mihdhar or  
16 Nawaf al-Hazmi?

17 A. No.

18 Q. During this time period, did  
19 you assist them in any way?

20 A. No.

21 Q. Did you instruct anybody to  
22 assist them in any way?

23 A. No.

24 Q. This entry/exit information

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1 indicates that you left the Kingdom of  
2 Saudi Arabia on the 2nd month, 27th day  
3 of 1421 for the United Kingdom.

4 Do you see that?

5 A. What day?

6 Q. The second month, 27th day  
7 of 1421.

8 It's the second-to-last row  
9 on the right-hand side.

10 A. Yes, yes.

11 Q. And that date corresponds to  
12 a Gregorian date of May 31st of 2000.

13 What were you doing in Saudi  
14 Arabia between March 31st of 2000, and  
15 May 31st of 2000?

16 A. I went back to my work  
17 headquarters.

18 Q. And during that two-month  
19 time period when you were in Saudi  
20 Arabia, did you speak with Khalid  
21 al-Mihdhar and Nawaf al-Hazmi?

22 A. No.

23 Q. During that two-month time  
24 period when you were in Saudi Arabia, did

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1 you have any conversations with anybody  
2 about Nawaf al-Hazmi or Khalid  
3 al-Mihdhar?

4 A. No.

5 Q. During that time period, did  
6 you assist anyone -- strike that.

7 Did you instruct anyone to  
8 assist Khalid al-Mihdhar and Nawaf  
9 al-Hazmi?

10 A. No.

11 MR. SHEN: Let's introduce  
12 the next exhibit, Exhibit-739.

13 Chris, this is our internal  
14 Tab 1. Bates number is KSA 8001.

15 - - -

16 (Whereupon, Exhibit  
17 al-Bayoumi-739,  
18 KSA0000007996-8020, Passport  
19 Documentation, was marked for  
20 identification.)

21 - - -

22 MR. YOUNG: The exhibit has  
23 been introduced.

24 MR. SHEN: Can I ask the

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1 technician to share the screen,  
2 739, please.

3 Is the technician on?

4 MR. YOUNG: Andy, I can  
5 share.

6 MS. INT-HOUT: Do you mean  
7 the trial tech or the video tech?  
8 Sorry.

9 MR. SHEN: Whoever was  
10 sharing their screen before, the  
11 trial tech.

12 MS. INT-HOUT: That would be  
13 me. Hold on one moment.

14 MR. SHEN: And just for the  
15 record, the first Bates stamp of  
16 this document is KSA 7996.

17 BY MR. SHEN:

18 Q. Sir, do you recognize this  
19 document?

20 A. Yes.

21 Q. What is this document?

22 A. A passport.

23 MR. SHEN: If we could  
24 scroll to KSA 8001, please. Thank

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1           you.

2       BY MR. SHEN:

3           Q.     And your passport on this  
4       particular page contains a number of  
5       entry stamps.

6                     Do you see that?

7           A.     Yes.

8                     MR. SHEN:   And if we could  
9       highlight in the middle of the  
10      page, it's upside down, but it  
11      says there's an entry into the  
12      United States of July 1, 2000.  
13      It's right at the fold of the  
14      passport in the middle.   To the  
15      right.   Right there.

16      BY MR. SHEN:

17           Q.     And, sir, did you stay in  
18      the United Kingdom from May 31st until  
19      approximately July 1st of 2000, when you  
20      returned to the United States?

21           A.     Yes.

22           Q.     And what were you doing in  
23      the United Kingdom during this time  
24      period?

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1           A.     I was preparing for starting  
2 my doctorate degree project.

3           Q.     And at what university was  
4 that?

5           A.     Aston University.

6           Q.     And during this one-month  
7 period when you were in the United  
8 Kingdom, did you have any conversations  
9 with Khalid al-Mihdhar and Nawaf  
10 al-Hazmi?

11          A.     No.

12          Q.     Did you speak with anybody  
13 else about Nawaf al-Hazmi or Khalid  
14 al-Mihdhar?

15          A.     No.

16          Q.     Did you instruct anyone else  
17 to assist Khalid al-Mihdhar and Nawaf  
18 al-Hazmi during this time period?

19          A.     No.

20                   MR. SHEN: Can the tech go  
21 to Page KSA 8000, please?

22 BY MR. SHEN:

23          Q.     And, sir, do you see there's  
24 a number of entry/exit stamps on this

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1 page?

2 A. Yes.

3 Q. And on the top side of this  
4 page, it's upside down right now, there's  
5 an entry stamp into the United Kingdom of  
6 October 9th of 2000.

7 Now at the bottom of the  
8 page in the middle.

9 A. Yes.

10 Q. Now, after you left the  
11 United Kingdom in -- on July 1st of 2000,  
12 did you come back to California?

13 A. Yes.

14 Q. And did you stay in the  
15 United States until you left again for  
16 the United Kingdom on October 9th of  
17 2000?

18 A. Yes.

19 Q. In focusing on that time  
20 period between July 1st of 2000 and  
21 October 9th of 2000, when you left for  
22 the UK once again, did you have any  
23 interactions whatsoever with Khalid  
24 al-Mihdhar and Nawaf al-Hazmi?

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1 A. No.

2 Q. During that time period,  
3 were Khalid al-Mihdhar and Nawaf al-Hazmi  
4 still living in the same apartment  
5 complex as you?

6 A. No.

7 Q. Do you know where they  
8 lived?

9 A. No.

10 Q. Do you know if they had a  
11 job?

12 A. I don't know.

13 Q. Do you know if they went to  
14 school?

15 A. I didn't know, no.

16 Q. Do you know who their  
17 friends or associates were?

18 A. No.

19 Q. Do you know when Khalid  
20 al-Mihdhar or Nawaf al-Hazmi left  
21 California?

22 A. No.

23 There is one thing I'd like  
24 to say. Will you allow me?



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1 Q. Yes, please.

2 A. Khalid and Nawaf tended to  
3 avoid me. Why? Because they tended to  
4 joke with one another physically, using  
5 hands, in the presence of my children.  
6 And I warned my children not to mix with  
7 them because of that bad behavior.

8 From that day on, they took  
9 the position of avoiding me. Even if  
10 they see me, they wouldn't approach me.  
11 I just wanted to clarify that point.

12 Q. Sir, when Khalid al-Mihdhar  
13 and Nawaf al-Hazmi left California, do  
14 you know where they went?

15 A. (The Witness) No.

16 (Through Interpreter) No.

17 Q. Now, during the time period  
18 when you were back in the United States  
19 from July 1st of 2000, to October 9th of  
20 2000, did you have conversations with  
21 anyone else about Khalid al-Mihdhar and  
22 Nawaf al-Hazmi?

23 A. No.

24 Q. Did you instruct anyone else

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1 to assist them?

2 A. No.

3 Q. Now, your passport indicates  
4 that you arrived in the United Kingdom on  
5 October 9th of 2000.

6 Why did you go to the United  
7 Kingdom on October 9th of 2000?

8 A. To pursue my doctorate  
9 studies.

10 Q. And at that point had you  
11 moved from the United States to the  
12 United Kingdom?

13 A. Yes. However, my family was  
14 still in San Diego.

15 Q. Well, after you moved from  
16 the United States to the United Kingdom,  
17 did you have any additional discussions  
18 with Khalid al-Mihdhar or Nawaf al-Hazmi?

19 A. No.

20 Q. Did you assist them in any  
21 way?

22 A. No.

23 Q. Did you instruct anyone else  
24 to assist them in any way?

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1 A. No.

2 Q. Sir, do you need to take a  
3 break to pray?

4 A. (The Witness) Time to pray  
5 now.

6 (Through Interpreter) Yes,  
7 time to pray now.

8 MR. SHEN: Fifteen minutes,  
9 please.

10 MR. CARTER: Andy, just for  
11 planning purposes, how much more  
12 do you expect to have?

13 Andy into space?

14 MR. SHEN: Probably less  
15 than an hour.

16 MR. CARTER: Okay. Thanks.

17 VIDEO TECHNICIAN: We're  
18 going to go off the record, 2:20  
19 p.m.

20 - - -

21 (Whereupon, a brief recess  
22 was taken.)

23 - - -

24 VIDEO TECHNICIAN: We're back

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1 on the record at 2:36 p.m.

2 MR. SHEN: We've marked as  
3 the next exhibit, Exhibit-740, a  
4 document with the Bates stamp KSA  
5 712.

6 If the technician can put  
7 that document in front of the  
8 witness, please.

9 - - -

10 (Whereupon, Exhibit  
11 al-Bayoumi-740, KSA0000000712,  
12 6/25/95 Letter, was marked for  
13 identification.)

14 - - -

15 MS. INT-HOUT: I'm  
16 downloading it now. Give me a  
17 moment.

18 MR. SHEN: Thank you.

19 BY MR. SHEN:

20 Q. And, sir, this is a document  
21 from the first month, 26th day, of 1416,  
22 pertaining to an assignment of you to,  
23 quote, Work for the Dallah Avco company  
24 for one year, renewable thereafter.

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1 Do you see that?

2 A. Yes.

3 MR. KRY: Andy, can I get a  
4 Gregorian date on that?

5 MR. SHEN: Yes. My  
6 understanding is June 25th, 1995.

7 BY MR. SHEN:

8 Q. And, sir, you were asked  
9 questions about your secondment to a  
10 private company for a period of five  
11 years.

12 Do you recall those  
13 questions?

14 MR. POUNIAN: Objection to  
15 form.

16 THE WITNESS: Yes.

17 BY MR. SHEN:

18 Q. And during the course of  
19 that secondment, what were you doing?

20 A. I was studying in the USA  
21 and Britain.

22 Q. And if we can look at the  
23 actual letter, there's sub-bullets.

24 Bullet 2 says that, The

1 detail assignment will be effective as of  
2 the 1st day of the 8th month of 1416.  
3 His salary shall be suspended on the date  
4 mentioned above by headquarters and until  
5 the employee returns to his position.

6 Do you see that? Do you see  
7 that language there?

8 A. Yes.

9 Q. And during the course of  
10 your secondment, was your Saudi  
11 government salary suspended?

12 MR. KRY: Objection to form.

13 THE WITNESS: Yes.

14 BY MR. SHEN:

15 Q. And during the course of  
16 your secondment, who paid for your  
17 salary?

18 MR. KRY: Objection to form.

19 THE WITNESS: During my  
20 secondment, I was paid by the  
21 project -- by ANSS Dallah.

22 BY MR. SHEN:

23 Q. And, sir, this letter says  
24 that the secondment is -- and I'm looking

1 at the first paragraph of the letter --  
2 pursuant to the principles of cooperation  
3 between public and private sectors to  
4 advance national companies and  
5 organizations.

6 Do you see that language?

7 A. Yes.

8 Q. And, sir, to your knowledge,  
9 were other government employees seconded  
10 to private companies to pursue their  
11 education?

12 MR. CARTER: Objection to  
13 foundation.

14 THE WITNESS: Yes.

15 BY MR. SHEN:

16 Q. And was this a common or  
17 uncommon practice?

18 MR. CARTER: Objection.

19 THE WITNESS: Yes.

20 BY MR. SHEN:

21 Q. So the question was, was it  
22 a common or uncommon practice?

23 A. Yes, it was common practice.  
24 And the Saudization program was in

1 progress.

2 Q. And, sir, is -- the  
3 Saudization program, is that a government  
4 program?

5 A. Yes, it's a government  
6 program which is assigned to companies to  
7 perform -- or to carry out.

8 Q. And can you just describe  
9 what the goals of the Saudization program  
10 are and why students were sent to pursue  
11 their education?

12 MR. CARTER: Objection.

13 THE WITNESS: The  
14 Saudization program is, simply  
15 put, in some programs the  
16 percentage of foreign --

17 (The Witness) Some projects.

18 (Through Interpreter) Some  
19 projects the percentage of  
20 foreigners is as high as 80 or 90  
21 percent. So, hence, came the  
22 Saudization program, which would  
23 entail that Saudi nationals would  
24 replace the foreign nationals.



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1                   However, a Saudi national  
2                   could not take a position like  
3                   that unless he obtains education,  
4                   training, English language.  
5                   That's why the Saudization program  
6                   came, which aims at making Saudi  
7                   nationals to replace foreign  
8                   nationals in jobs.

9       BY MR. SHEN:

10           Q.     And, sir, why was it  
11           important for Saudis that were part of  
12           this program to receive an education?

13           A.     In order for them to become  
14           more efficient and skilled for their  
15           future work.

16           Q.     Now, sir, the plaintiffs in  
17           this case have alleged that while you  
18           were in San Diego, you never went to  
19           class and that you were not a full-time  
20           student.

21                   Are those allegations  
22           accurate?

23                   MR. POUNIAN: Object to the  
24           form.

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1 THE WITNESS: No.

2 Inaccurate.

3 BY MR. SHEN:

4 Q. And, sir, while you were in  
5 San Diego, were you a full-time student?

6 A. Yes, yes.

7 Q. Did you go to and complete  
8 classes?

9 A. Yes.

10 Q. Did you earn certificates?

11 A. Yes.

12 Q. Did you earn degrees?

13 A. Yes.

14 Q. Now, the plaintiffs, and Mr.  
15 Kry as well, have shown you a number of  
16 documents from the educational  
17 institutions that you attended.

18 While you attended those  
19 educational institutions, were you a  
20 full-time student?

21 A. Yes.

22 MR. SHEN: Chris, can we  
23 load as Exhibit-741 the document  
24 at Tab 80?

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1 MR. KRY: While that's  
2 loading, I wanted to note for  
3 Exhibit-740, we had a slight  
4 difference on the translation.

5 Our translation had employed  
6 with rather than for. So we'll  
7 just reserve any rights on the  
8 translation.

9 MR. SHEN: Okay.

10 - - -

11 (Whereupon, Exhibit  
12 al-Bayoumi-741,  
13 KSA0000001837-1840, West Coast  
14 University Transcript, was marked  
15 for identification.)

16 - - -

17 MR. KRY: Sorry. It's work  
18 with rather than work for.

19 MR. SHEN: The technician  
20 can take this document down,  
21 please, and -- when the next  
22 document is loaded.

23 MR. YOUNG: The exhibit has  
24 been introduced.

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1 MR. SHEN: For the record,  
2 this is a document KSA 1837, and  
3 it is a transcript from West Coast  
4 University.

5 BY MR. SHEN:

6 Q. And, sir, this is a  
7 different version of the document that  
8 you were shown earlier.

9 When you were attending West  
10 Coast University, were you a full-time  
11 student?

12 A. Yes.

13 Q. And does this document  
14 indicate the courses you took and the  
15 grades and credits that you earned?

16 A. Yes.

17 MR. SHEN: If we can scroll  
18 down to the bottom, please, of the  
19 third page.

20 BY MR. SHEN:

21 Q. Do you see that there is a  
22 stamp on that document?

23 A. Yes.

24 Q. And, sir, what is this

1 stamp?

2 A. That's from the embassy.

3 Q. And why is it stamped from  
4 the embassy?

5 A. Because when I go back to  
6 the Saudi Arabia, they would only accept  
7 a document that's certified from the  
8 embassy.

9 Q. And, sir, what is the date  
10 on this stamp?

11 A. 10/8/1999.

12 Q. Is that August 10th, 1999?

13 A. Yes.

14 Q. And in connection with  
15 obtaining this stamp, did you communicate  
16 with the embassy?

17 A. Yes.

18 (The Witness) I usually call  
19 them.

20 (Through Interpreter) Yes, I  
21 usually call them.

22 Q. So you would have phone  
23 calls with the embassy in connection with  
24 getting your transcripts certified?

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1           A.       Yes.   And for my children  
2   and for my wife.

3                   MR. SHEN:   Can we load as  
4                   the next exhibit, please,  
5                   Exhibit-742, our Tab 82.   This is  
6                   KSA 908.

7                               -   -   -

8                   (Whereupon, Exhibit  
9                   al-Bayoumi-742, KSA0000000908,  
10                  United States International  
11                  University Transcript, was marked  
12                  for identification.)

13                               -   -   -

14                  MR. YOUNG:   It's been  
15                  introduced.

16                  MR. SHEN:   And if the  
17                  technician could please load it.

18   BY MR. SHEN:

19                  Q.       And, sir, do you recognize  
20                  this document as a transcript from U.S.  
21                  International University?

22                  A.       Yes.

23                  Q.       And, sir, does this document  
24                  set out the courses that you took, the

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1 credits that you earned and the grades  
2 that you earned?

3 A. Yes.

4 Q. And there's an entry that  
5 says, Fall quarter 1997, degree, Master's  
6 of International Business Administration,  
7 date, December 9th of '97.

8 Did you earn a Master's  
9 Degree in International Business from  
10 U.S. International University?

11 A. Yes. International project  
12 management, yes.

13 Q. And if you look at the  
14 bottom of the page, there's a stamp as  
15 well.

16 Is that a stamp from the  
17 embassy?

18 INTERPRETER MIKHAIL:  
19 Business management. Not project.

20 Interpreter corrects.

21 International business management.

22 MR. SHEN: Thank you.

23 BY MR. SHEN:

24 Q. Is that a stamp from the

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1 embassy?

2 A. Yes.

3 Q. And what is the date of this  
4 stamp, sir?

5 A. I believe 8/4/1998.

6 Q. And in connection, sir, with  
7 obtaining this stamp from the embassy,  
8 did you communicate with the embassy?

9 A. Yes.

10 Q. And did you have phone calls  
11 with the embassy?

12 A. Yes.

13 MR. SHEN: If we could  
14 please introduce as the next  
15 exhibit our internal Tab 50. 743.

16 - - -

17 (Whereupon, Exhibit  
18 al-Bayoumi-743,  
19 PEC-KSA1-000067-0070, Keller  
20 School of Management Transcript,  
21 was marked for identification.)

22 - - -

23 MR. YOUNG: The document has  
24 been introduced as Exhibit-743.



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1 MR. SHEN: If the technician  
2 could put it up.

3 Thank you very much.

4 BY MR. SHEN:

5 Q. This is a document with the  
6 Bates stamp PEC-KSA1-67.

7 Sir, on the following pages,  
8 it shows that it is a transcript from  
9 Keller School of Management. This  
10 particular document lists a number of  
11 courses that you had registered for on  
12 the first page, including auditing, law,  
13 financial accounting, accounting and  
14 reporting.

15 Do you see that?

16 A. Yes.

17 Q. And it states that -- under  
18 the credit earned column, that you did  
19 not earn credits for these particular  
20 classes.

21 Sir, did you attend these  
22 classes?

23 A. Yes. I attended the  
24 classes, yes.

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1 Q. And why did you not receive  
2 credits?

3 A. I did not attend the exams.

4 Q. And why did you not attend  
5 the exams?

6 A. Because the subjects were  
7 dry.

8 Q. And during this time period  
9 when you attended these classes, were you  
10 still a full-time student?

11 A. Yes.

12 Q. Now, you had testified, in  
13 response to Mr. Pounian's questions, that  
14 you also took courses at the community  
15 college in San Diego; is that correct?

16 A. Because I would not waste  
17 any of my time. Whenever I had free  
18 time, I would go and enroll in classes or  
19 courses.

20 Q. And roughly how many courses  
21 did you take at the community college in  
22 San Diego?

23 A. Many.

24 Q. Approximately how many?

1           A.       (The Witness) More than 10,  
2   12.

3                   (Through Interpreter) So  
4   there were English courses. But there  
5   were various levels, from level to a  
6   level, but they don't give certificates  
7   for these. But then there were other  
8   courses, many, maybe 10 or 12.

9           Q.       And did you earn certain  
10   certificates for the classes you took at  
11   the community college?

12          A.       Yes.

13                  MR. SHEN: Can we load as  
14   the next exhibit our internal Tab  
15   83? This will be Exhibit-744.

16                   - - -

17                  (Whereupon, Exhibit  
18   al-Bayoumi-744, KSA0000000739, San  
19   Diego Community College  
20   Certificate, was marked for  
21   identification.)

22                   - - -

23                  MR. SHEN: KSA 739.

24                  MR. YOUNG: It has been

1 introduced.

2 MS. INT-HOUT: One moment.

3 I'm sorry, can you reload  
4 the document, please?

5 MR. YOUNG: It's been  
6 reloaded.

7 BY MR. SHEN:

8 Q. And, sir, what we're putting  
9 in front of you is something entitled,  
10 Certificate of Completion for a course in  
11 small business management from the San  
12 Diego Community College, West City Center  
13 Clairemont campus.

14 MR. POUNIAN: Is there a  
15 Bates number on that document?

16 MR. SHEN: KSA 739.

17 BY MR. SHEN:

18 Q. And, sir, do you see the  
19 document is dated June 4th, 1998?

20 A. Yes.

21 Q. And is this an example of  
22 one of the many courses that you took at  
23 the community college in San Diego?

24 A. Yes, this is one of them.

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1 MR. SHEN: Chris, can we  
2 load as the next exhibit,  
3 Exhibit-745, KSA 741?

4 - - -

5 (Whereupon, Exhibit  
6 al-Bayoumi-745, KSA0000000741, San  
7 Diego Community College  
8 Certificate, was marked for  
9 identification.)

10 - - -

11 MR. YOUNG: It's been  
12 introduced.

13 BY MR. SHEN:

14 Q. Sir, what we have on the  
15 screen in front of you is another  
16 certificate of completion for a course  
17 called Introduction to Computers from the  
18 San Diego Community College Clairemont  
19 Center.

20 Do you see that?

21 A. (The Witness) Yes.

22 Q. And this is dated June 6th  
23 of 1998.

24 And is this an example of

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1 one of the many courses that you took at  
2 the San Diego Community College?

3 A. Yes.

4 MR. SHEN: Can we show  
5 Exhibit-681, please? And if we  
6 can go to the Arabic version. The  
7 next page, please.

8 BY MR. SHEN:

9 Q. Sir, this is an exhibit that  
10 plaintiffs have shown you.

11 And does this list the  
12 classes that you took at the George  
13 Washington University?

14 MR. CARTER: Objection to  
15 form.

16 BY MR. SHEN:

17 Q. Sir, does this list the  
18 classes that you took and completed at  
19 the George Washington University?

20 A. Yes.

21 Q. And at the bottom of the  
22 page, there is a stamp.

23 Do you see that?

24 Is that a stamp from the

1 embassy as well?

2 A. Yes.

3 Q. And what is the date on this  
4 stamp?

5 A. December 18, 1420.

6 MR. SHEN: And if we  
7 could --

8 BY MR. SHEN:

9 Q. I'm sorry, did you say  
10 December 18 or the 12th month?

11 INTERPRETER MIKHAIL: Pardon  
12 me, yes. That's an error in  
13 translation, thinking it was  
14 Gregorian. He said the 12th  
15 month, yes.

16 MR. SHEN: 12th month, 18  
17 day, 1420, okay.

18 Can we go up to the top of  
19 the document, please, the English  
20 translation?

21 BY MR. SHEN:

22 Q. I will represent to you,  
23 sir, that the Gregorian date that it  
24 corresponds to is March 24th of 2000.

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1                   And, sir, did you  
2   communicate with the embassy in  
3   connection with receiving this stamp?

4                   A.     Yes.

5                   Q.     And did you communicate by  
6   phone with the embassy in connection with  
7   receiving this stamp?

8                   A.     Yes.

9                   Q.     And, sir, you testified, in  
10   response to Mr. Pounian's questions, that  
11   you had visited the embassy in person; is  
12   that correct?

13                  A.     Yes.

14                  Q.     And did you visit the  
15   embassy in person when you were in  
16   Washington, D.C., taking courses at  
17   George Washington University?

18                  A.     Yes.

19                  Q.     Was one of the -- why did  
20   you go to the embassy when you were in  
21   Washington, D.C., taking classes at  
22   George Washington University?

23                  A.     To get the certificates  
24   certified, the certificates of the kids



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1 as well and my wife's.

2 MR. SHEN: Can we put up  
3 Exhibit-692, please?

4 I'm sorry, let's go on the  
5 FBI record, please.

6 MS. PRITSKER: DIB counsel  
7 is now being excluded from the  
8 deposition.

9 VIDEO TECHNICIAN: One  
10 moment.

11 MR. SHEN: Thank you.

12 - - -

13 (FBI Protected Material.)

14 - - -

15 VIDEO TECHNICIAN: Okay.  
16 They are all in.

17 MR. SHEN: Can we show  
18 Exhibit-692, please?

19 BY MR. SHEN:

- Filed publicly -  
Pls. Ex. 574  
(FBI 4273)

20 Q. Mr. Pounian asked you  
21 questions about this document and asked  
22 in particular why this would be posted at  
23 the Kurdish mosque, given that some of  
24 the writing in here is in Arabic.

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1 MR. SHEN: And if we could  
2 just look at the Arabic, please.  
3 If we could look at the Arabic  
4 version, please.

5 BY MR. SHEN:

6 Q. Now, sir, what nationality  
7 were most of the Kurdish people who  
8 attended the Madina mosque?

9 A. Kurds.

10 Q. Were they Syrians or Iraqis  
11 or Turkish or something else?

12 A. Iraqis.

13 Q. And do Iraqis use an Arabic  
14 alphabet or do they use a Roman alphabet?

15 A. No, they use an Arabic  
16 alphabet.

17 Q. So the names that are  
18 written on this sheet, would the Iraqis  
19 and Kurds that attended your mosque be  
20 able to read those names?

21 A. Yes. They can read the  
22 names, because they write the Arabic  
23 language.

24 MR. SHEN: Could we look at

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1 Exhibit-523, please. If we could  
2 just look at the Arabic version,  
3 or the original version. And go  
4 on to the next page, please. Next  
5 page. Keep going, please.

6 MS. INT-HOUT: I'm sorry,  
7 but it's only a four-page  
8 document.

9 MR. SHEN: I might have the  
10 wrong document.

11 All right. Let's -- I'm  
12 looking for the January 26th,  
13 2000, phone book. Give me one  
14 second.

15 MR. POUNIAN: That's 518.

16 MR. SHEN: Thank you. 518,  
17 please.

18 BY MR. SHEN:

- Filed publicly -  
Pls. Ex. 12BB  
(MPS688)

19 Q. Sir, do you recall that Mr.  
20 Pounian asked you questions about this  
21 document and then a subsequent document  
22 that was an October 4th, 2000, version  
23 that says, Omar's phone book?

24 A. Yes.

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1 Q. And, sir, you testified that  
2 you did not enter all of these names and  
3 telephone numbers into the phone book; is  
4 that correct?

5 A. That is correct.

6 Q. And if a name and telephone  
7 number is entered into this phone book,  
8 does that mean that you actually met that  
9 person?

10 A. No.

11 Q. Does it mean that you  
12 actually know that person?

13 A. No.

14 Q. Does it mean that you  
15 actually talked to that person on the  
16 phone?

17 A. No.

18 Q. Does it mean that the actual  
19 phone number that's entered here is the  
20 correct phone number for that particular  
21 person?

22 A. So I started the Omar phone  
23 book, but I did not -- I started the Omar  
24 phone book, but I did not enter all the

1 data. I started it myself, it was  
2 something for me, for myself.

3 And then it was at the  
4 mosque. And then anybody who would have  
5 names, there would be volunteers  
6 inputting the data in the phone book.  
7 Any time there's names or numbers on a  
8 sheet of paper, the volunteers would  
9 enter the information.

10 Even at a time there were my  
11 account numbers entered by mistake,  
12 because they found them and they entered  
13 that information by mistake on the phone  
14 book.

15 Q. And, sir, is it possible  
16 that some of the telephone numbers that  
17 are entered in for particular people may  
18 be incorrect or have mistakes in them?

19 MR. CARTER: Objection to  
20 form. And foundation.

21 THE WITNESS: Yes, it's  
22 possible.

23 BY MR. SHEN:

24 Q. And did you do anything to

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1 check to make sure that the telephone  
2 numbers listed for particular individuals  
3 were actually correct?

4 A. No, I do not have time to  
5 review everything. No.

6 MR. SHEN: [REDACTED]

7 [REDACTED]

8 BY MR. SHEN:

9 Q. [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 A. [REDACTED]

19 Q. [REDACTED]

20 [REDACTED]

21 A. [REDACTED]

22 [REDACTED]

23 Q. [REDACTED]

24 [REDACTED]

[REDACTED]

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1

2

3

4

5

A.

6

7

8

Q.

9

10

A.

11

12

Q. Sir, how often would you

13

visit the Mosque Al-Madina?

14

A. Sometimes once a month,

15

sometimes once a week, sometimes it's an

16

emergency. Only as needed.

17

Q. I mean, and you certainly

18

weren't there every day, correct?

19

A. No.

20

Q. And --

21

A. I was a volunteer. I would

22

go in my spare time.

23

Q. And, sir, because you

24

testified that you were there maybe once

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1 a month or maybe once a week, is it a  
2 true statement that the vast majority of  
3 telephone calls that were made or  
4 received from this phone line were made  
5 or received by somebody other than you?

6 MR. CARTER: Objection.

7 Foundation.

8 THE WITNESS: Many students,  
9 many people, many families would  
10 call -- sometimes would use it to  
11 call. Sometimes I'm not in the  
12 building. Sometimes someone would  
13 go in, make the phone call and  
14 leave. It was available for  
15 everybody.

16 BY MR. SHEN:

17 Q. And, sir, given all those  
18 facts and the fact that you were only at  
19 the Madina mosque once a week or once a  
20 month, does it stand to reason that the  
21 vast majority of calls were made by  
22 somebody other than you?

23 MR. CARTER: Objection.

24 Form. And foundation.



1                   Andy, I think you have to  
2                   speak about particular calls.  
3                   There's no evidence that there are  
4                   calls.

5                   MR. SHEN: You can answer  
6                   the question, sir.

7                   THE WITNESS: What's the  
8                   question again?

9                   MR. SHEN: Can you repeat  
10                  the question?

11                  INTERPRETER AL-HALABI:  
12                  (Complies with request.)

13                  THE WITNESS: It could be a  
14                  lot of people that come and make  
15                  calls sometimes. Sometimes they  
16                  would use my cell phone. Some --  
17                  you know, people would come and  
18                  they would ask my permission, and  
19                  I would say yes. So it was  
20                  available for everybody.

21                  BY MR. SHEN:

22                  Q.       Now, sir, you were asked  
23                  questions --

24                  MR. SHEN: We can go off the

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1 FBI record, thank you.

2 - - -

3 (End of FBI Protected  
4 Material.)

5 - - -

6 VIDEO TECHNICIAN: Okay.

7 I've let everyone back in.

8 BY MR. SHEN:

9 Q. Sir, you were asked  
10 questions about an individual named Adel  
11 Al Sadhan.

12 Did you ever discuss Khalid  
13 al-Mihdhar or Nawaf al-Hazmi with Adel  
14 Al Sadhan?

15 MS. PRITSKER: DIB counsel  
16 has been admitted back into the  
17 room, and was excluded at  
18 approximately 3:06 p.m. Eastern.

19 Thank you.

20 THE WITNESS: No.

21 BY MR. SHEN:

22 Q. Did you ever give any  
23 instructions to Mr. Al Sadhan?

24 A. No.

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1 Q. Did he ever give any  
2 instructions to you?

3 A. No.

4 Q. You were asked questions  
5 about someone named Mutaeb al-Sudairy.

6 Did you ever discuss Khalid  
7 al-Mihdhar or Nawaf al-Hazmi, or any of  
8 the 9/11 hijackers, with Mr. Al-Sudairy?

9 A. No.

10 Q. Did you ever give any  
11 instructions to Mr. Al-Sudairy?

12 A. No.

13 Q. Did he ever give any  
14 instructions to you?

15 A. No, at all.

16 Q. You were asked questions  
17 about two individuals, Abdullah  
18 Al Jaithen and Majed Al Mersal.

19 Did you ever discuss Khalid  
20 al-Mihdhar, Nawaf al-Hazmi, or any of the  
21 9/11 hijackers, with Mr. Al Jaithen or  
22 Mr. Al Mersal?

23 A. No.

24 Q. Did you ever give any

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1 instruction to either Mr. Al Jaithen or  
2 Mr. Al Mersal?

3 A. No.

4 Q. Did either Mr. Al Jaithen or  
5 Mr. Al Mersal ever give you instructions?

6 A. No.

7 Q. Did you ever stay in the  
8 same hotel room for a night with  
9 Mr. Al Jaithen?

10 A. No.

11 Q. You were asked questions  
12 about Mr. Fahad al-Thumairy.

13 Can you just describe  
14 generally your relationship with  
15 Mr. al-Thumairy?

16 A. Fahad al-Thumairy is an Imam  
17 at a masjid.

18 Q. Was he a friend of yours?

19 A. No.

20 Q. Was he a personal  
21 acquaintance of yours?

22 A. No.

23 Q. What was the nature of your  
24 conversations?

1           A.       There was no -- there was no  
2       conversations. Sometimes there were  
3       questions about the mosque or something  
4       like that. Sometimes we would -- we  
5       would order Quran, books of the Quran.  
6       And he is -- or he rarely answered.

7           Q.       And when was the last time  
8       that you spoke with Fahad al-Thumairy?

9           A.       I don't remember. It was a  
10      long time ago. I don't remember.

11          Q.       Have you spoken to Fahad  
12      al-Thumairy after you moved from the  
13      United States to the United Kingdom in  
14      October of 2000?

15          A.       No. No, I don't remember.  
16      No.

17          Q.       Did you ever discuss Khalid  
18      al-Mihdhar or Nawaf al-Hazmi, or any of  
19      the 9/11 hijackers, with Fahad  
20      al-Thumairy?

21          A.       No.

22          Q.       Are you aware of whether Mr.  
23      Thumairy ever met Mr. Mihdhar or Mr.  
24      Hazmi or any of the other 9/11 hijackers?

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1 A. No.

2 Q. Are you aware of any  
3 assistance whatsoever that Mr. Thumairy  
4 provided to Mr. Mihdhar, Mr. Hazmi or any  
5 of the 9/11 hijackers?

6 A. No.

7 Q. Are you aware of any  
8 instructions that anyone provided to Mr.  
9 al-Thumairy to assist any of the 9/11  
10 hijackers?

11 A. No.

12 Q. Are you aware of any  
13 instructions that Mr. al-Thumairy  
14 provided to anyone else to assist the  
15 hijackers?

16 A. No.

17 Q. All right.

18 MR. SHEN: Let's go on the  
19 FBI record, please.

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 - - -

24 [REDACTED]

[REDACTED]

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1

[REDACTED]

2

[REDACTED]

3

- - -

4

MS. PRITSKER:

[REDACTED]

5

[REDACTED]

6

[REDACTED]

7

- - -

8

[REDACTED]

9

- - -

10

MR. YOUNG:

[REDACTED]

11

[REDACTED]

12

VIDEO TECHNICIAN:

[REDACTED]

13

[REDACTED]

14

MR. SHEN:

[REDACTED]

15

[REDACTED]

16

[REDACTED]

[REDACTED]

17

[REDACTED]

18

[REDACTED]

[REDACTED]

19 BY MR. SHEN:

20

Q.

[REDACTED]

21

[REDACTED]

22

[REDACTED]

[REDACTED]

23

MR. SHEN:

[REDACTED]

24

[REDACTED]

[REDACTED]

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1

2 BY MR. SHEN:

3 Q.

4

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A.

12

Q.

13

14

15

16

MR. KRY:

17

THE WITNESS:

18

19

20 BY MR. SHEN:

21

Q.

22

23

MR. KRY:

24

THE WITNESS:



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1

[REDACTED]

2

BY MR. SHEN:

3

Q.

[REDACTED]

4

[REDACTED]

5

[REDACTED]

6

A.

[REDACTED]

7

Q.

[REDACTED]

8

[REDACTED]

[REDACTED]

9

[REDACTED]

10

[REDACTED]

11

[REDACTED]

12

[REDACTED]

13

[REDACTED]

14

MR. KRY:

[REDACTED]

15

THE WITNESS:

[REDACTED]

16

[REDACTED]

17

BY MR. SHEN:

18

Q.

[REDACTED]

19

[REDACTED]

20

[REDACTED]

21

[REDACTED]

22

[REDACTED]

23

[REDACTED]

24

[REDACTED]

[REDACTED]

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1 [REDACTED]

2 A. [REDACTED]

3 Q. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 A. [REDACTED] [REDACTED]

7 [REDACTED]

8 Q. [REDACTED]

9 A. [REDACTED]

10 [REDACTED] [REDACTED] [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED] [REDACTED]

14 Q. [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 A. [REDACTED]

23 Q. [REDACTED]

24 [REDACTED]

[REDACTED]

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1 A. [REDACTED]

2 Q. [REDACTED]

3 [REDACTED]

4 A. [REDACTED] [REDACTED]

5 [REDACTED]

6 Q. [REDACTED]

7 [REDACTED]

8 A. [REDACTED]

9 MR. SHEN: [REDACTED]

10 [REDACTED]

11 BY MR. SHEN:

12 Q. [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 A. [REDACTED]

17 Q. [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 A. [REDACTED] [REDACTED]

21 [REDACTED]

22 Q. [REDACTED]

23 [REDACTED]

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A.

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Q.

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A.

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Q.

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A.

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Q.

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MR. SHEN:

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VIDEO TECHNICIAN:

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MS. PRITSKER:

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MR. POUNIAN:

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MS. PRITSKER:

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EXAMINATION

5

6 BY MR. POUNIAN:

7

8 Q. Sir, you said that when you  
9 went back to Saudi Arabia in April of  
10 2000, you were complaining about your  
11 salary.

12 Who were you complaining to?

13 A. (The Witness) To the  
14 division.

15 Q. Who at the division?

16 INTERPRETER AL-HALABI:

17 Sorry. The interpreter froze.

18 THE WITNESS: The division  
19 of -- the head of the division.

20 BY MR. POUNIAN:

21 Q. And who was that, that you  
22 complained to?

23 A. Alp Karli.

24 Q. And you told Alp Karli that  
you deserved more and that companies

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1     wanted to hire you?

2             A.     No.     That's what the market  
3     required.

4             Q.     You thought you were  
5     entitled to more money because you were  
6     more qualified than Alp Karli, right?

7             A.     I needed -- I needed to  
8     study.   He was better than me in English  
9     and things like that.   He was an older  
10    gentleman.   After that, I studied, I got  
11    my Master's.   He had a Bachelor's.   Plus,  
12    my 20 years of experience, I was more  
13    qualified.

14            Q.     Am I correct, sir, at the  
15    time you were making these demands, you  
16    were not actually doing any work for the  
17    government?

18            A.     That's incorrect.

19            Q.     Well, you weren't working as  
20    an accountant at that time when you made  
21    the demands for more money; am I correct,  
22    sir?

23            A.     What demands?

24            Q.     When you went back to Saudi

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1 Arabia in April of 2000, you had not been  
2 working in the United States as an  
3 accountant or in finance at that time; am  
4 I correct?

5 A. When I went back to Saudi  
6 Arabia, I was working in my office.

7 Q. But you had no history over  
8 the past five years of having worked in  
9 finance or as an accountant; is that  
10 right?

11 A. I didn't work in accounting.  
12 I worked in finance.

13 Q. But you had no -- you hadn't  
14 been working in finance -- you had not  
15 been working in finance for five years;  
16 is that right?

17 A. When I was studying?

18 Q. When you were in the United  
19 States, sir, you were not doing any work;  
20 is that correct?

21 A. Yes. I was studying, yes.

22 But when I returned to Saudi  
23 Arabia, I worked, yes.

24 Q. And the last school credit

1 that you earned, sir, was in 1997; is  
2 that right?

3 MR. KRY: Objection to form.

4 MR. SHEN: Objection.

5 THE WITNESS: No, that's  
6 incorrect.

7 BY MR. POUNIAN:

8 Q. Well, the last course credit  
9 that you earned, sir, was from United  
10 States International University in 1997?

11 MR. KRY: Objection to form.

12 THE WITNESS: That's  
13 incorrect.

14 BY MR. POUNIAN:

15 Q. Where else did you earn a  
16 course credit from after that date, sir?

17 A. I enrolled in graduate  
18 school, but the subjects were dry. I  
19 attended, but I didn't -- I didn't take  
20 tests.

21 And I attended many courses  
22 in community college. I also attended  
23 different courses at George Washington  
24 University.



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1 Q. And those -- you got  
2 certificates for those, sir.

3 But I asked you about course  
4 credits that you actually earned at a  
5 university.

6 The last time that happened  
7 was in 1997; am I right?

8 MR. KRY: Objection.

9 MR. SHEN: Objection.

10 THE WITNESS: No, that's  
11 incorrect.

12 BY MR. POUNIAN:

13 Q. Sir, you went to Keller  
14 University and you took -- you enrolled  
15 in the same courses over two semesters,  
16 twice, and never -- well, why did you --  
17 why did you enroll in the exact same  
18 courses two times at Keller University,  
19 two semesters in a row?

20 MR. SHEN: Objection.

21 THE WITNESS: I don't  
22 remember.

23 MR. POUNIAN: Let's look at  
24 Exhibit-743, please. If we could

1 scroll down.

2 BY MR. POUNIAN:

3 Q. Sir, you enrolled in the  
4 same four classes, two semesters in a  
5 row, twice.

6 Do you see that, sir?  
7 Auditing, law, financial accounting, and  
8 accounting and reporting.

9 A. Okay.

10 Q. And if you attended the  
11 first time and you found it too dry, why  
12 did you enroll again in the same exact  
13 classes?

14 A. I'm not ashamed to try  
15 again.

16 Q. Sir, when you returned to  
17 Saudi Arabia and -- you applied for a  
18 study leave at that time?

19 A. Yes. I asked for a study  
20 leave, yes.

21 Q. And do you recall that when  
22 you first asked for the leave, your leave  
23 was rejected?

24 A. No, I don't know.

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1 Q. Well, who approved your  
2 leave, sir?

3 A. My boss.

4 Q. Well, we've heard testimony  
5 in this case, sir, from the Deputy  
6 Minister of the PCA, Mr. Anqari, who said  
7 that your leave was rejected and then his  
8 decision was overturned by the head of  
9 the Presidency of the Civil Aviation.

10 Did you know that, sir?

11 MR. SHEN: Objection.

12 Complete mischaracterization.

13 THE WITNESS: No. I had no  
14 idea.

15 BY MR. POUNIAN:

16 Q. Sir, you had -- did you ever  
17 perform any of the jobs that were given  
18 to you on the ANSS project?

19 MR. KRY: Objection to form.

20 INTERPRETER ABDEL-RAHMAN:

21 Should I repeat the question?

22 BY MR. POUNIAN:

23 Q. Sir, at one time you were  
24 given a title of SNR, I think that's

1 senior data processing technician.

2 Did you ever perform the  
3 duties of that job?

4 MR. KRY: Objection to form.  
5 And foundation.

6 MR. POUNIAN: It looks like  
7 he's frozen, I believe.

8 MR. SHEN: He's back.

9 Marwan, can you just ask him  
10 again?

11 INTERPRETER ABDEL-RAHMAN:  
12 Okay. Shall I repeat the question  
13 to the witness?

14 MR. POUNIAN: Yes, please.

15 INTERPRETER ABDEL-RAHMAN:  
16 Which one? There's, I think, two  
17 questions.

18 MR. POUNIAN: Just ask if he  
19 ever performed -- if he ever  
20 actually performed the job duties  
21 of the job of a senior data  
22 processing technician.

23 MR. KRY: Objection to form.  
24 And foundation.

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1 THE WITNESS: When was it?

2 MR. POUNIAN: Well, if we  
3 could put up Exhibit-112, please.

4 BY MR. POUNIAN:

5 Q. The job on this form.

6 A. I never saw this document to  
7 begin with.

8 Q. My question was, did you  
9 ever perform any job duties of the job  
10 title that is on that form?

11 MR. KRY: Objection to  
12 foundation.

13 THE WITNESS: No. All my  
14 work was limited to finance and  
15 contracts.

16 BY MR. POUNIAN:

17 Q. Well, this document, sir,  
18 dates from the year 1995, I think, if we  
19 look at the date in Hijri at the top.  
20 This is from July of 1995, and the  
21 effective date was June of '95.

22 Were you performing the job  
23 duties that are set forth on this  
24 document for a senior data processing

1 technician?

2 MR. KRY: Same objection.

3 THE WITNESS: At that time,  
4 I was studying.

5 BY MR. POUNIAN:

6 Q. And you were being paid for  
7 the job of a senior data processing  
8 technician while you were in the United  
9 States; is that correct?

10 MR. KRY: Objection.

11 THE WITNESS: I was studying  
12 within the program of Saudization  
13 of jobs.

14 BY MR. POUNIAN:

15 Q. And you had the job title of  
16 senior data processing technician; is  
17 that correct?

18 A. I don't know. I didn't see  
19 this document before to begin with.

20 Q. And I take it, sir, then,  
21 you never carried out any duties of that  
22 particular job title; am I right?

23 MR. KRY: Objection. Lack  
24 of foundation.

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1 THE WITNESS: I don't know.

2 BY MR. POUNIAN:

3 Q. Am I correct, sir, that  
4 while in the U.S., you didn't perform any  
5 substantive work related to either the  
6 ANSS project or the Presidency of Civil  
7 Aviation?

8 MR. KRY: Objection to form.

9 THE WITNESS: No, I was only  
10 studying. I did not work.

11 I worked when I returned.  
12 When I returned to Saudi Arabia, I  
13 worked for two months. And then I  
14 went back to study.

15 BY MR. POUNIAN:

16 Q. Now, sir, when you went  
17 to -- you just testified that you went  
18 from Saudi Arabia and then spent a month  
19 in England.

20 Was that your testimony?

21 A. Yes. Yes.

22 MR. POUNIAN: Could we show  
23 the witness Exhibit-739, please,  
24 the passport? And we -- if we

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1 could turn to Page 8001, please.

2 And if we could flip that upside  
3 down.

4 Thank you.

5 BY MR. POUNIAN:

6 Q. Now, where did you get the  
7 photograph that's on the visa here on the  
8 bottom, sir?

9 A. I don't recall.

10 Q. Well, you got this visa on  
11 the 10th of May 2000.

12 A. Yes.

13 Q. And you went to the U.S.  
14 Consulate in Jeddah to get the visa?

15 A. I don't remember.

16 Q. And did you take photographs  
17 with you for the visa?

18 A. Certainly, if I went, I must  
19 have taken photos with me.

20 Q. And where did you have those  
21 photos taken, sir?

22 A. At the studio.

23 Q. In Los Angeles?

24 A. I don't remember. Maybe



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1     this photo was among the photos that I  
2     had with me.

3             Q.     Or did you go to a studio in  
4     Jeddah when you were there?

5             A.     I really don't remember.

6             Q.     All right. Mr. Shen pointed  
7     you to a stamp here of your admission to  
8     the U.S. and read that stamp.

9                     Could you -- can you read  
10    that stamp, sir?

11            A.     No.

12            Q.     Do you know when you  
13    re-entered the United States after you  
14    left Saudi Arabia?

15            A.     No.

16            Q.     But you testified you spent  
17    a month in England after you left Saudi  
18    Arabia, right?

19            A.     I'm pretty sure I did. I  
20    had a course -- or not a course,  
21    something similar, called a prerequisite  
22    to prepare for the Ph.D. That was before  
23    I went to the United States.

24            Q.     And where were you -- where

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1 were you staying in England at that time  
2 for that month?

3 A. I lived at a dormitory, at  
4 the students' housing.

5 Q. And where was that located?

6 A. At the university.

7 Q. Which university?

8 A. Aston University.

9 Q. And where did you land when  
10 you got to England from Saudi Arabia?

11 MR. KRY: Objection.

12 THE WITNESS: I really don't  
13 remember.

14 BY MR. POUNIAN:

15 Q. Well, did you land in  
16 Birmingham or did you land at Heathrow  
17 airport?

18 A. I don't remember.

19 Q. And what did you do when you  
20 were in -- at Aston University for that  
21 month?

22 A. The requested doctorate  
23 preparation.

24 Q. And were you alone or were

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1 you with anyone else?

2 A. Alone.

3 Q. And where was your family at  
4 that time?

5 A. (The Witness) San Diego.

6 (Through Interpreter) San  
7 Diego.

8 MR. POUNIAN: [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 MS. PRITSKER: [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 - - -

16 [REDACTED]

17 - - -

18 MR. POUNIAN: [REDACTED]

19 [REDACTED]

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21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

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[REDACTED]

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VIDEO TECHNICIAN: [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

BY MR. POUNIAN:

Q. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A. [REDACTED]

Q. [REDACTED]

[REDACTED]

A. [REDACTED]

Q. [REDACTED]

[REDACTED]

[REDACTED]

A. [REDACTED]

Q. [REDACTED]

[REDACTED]

A. [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

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Q.

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MR. POUNIAN:

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BY MR. POUNIAN:

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Q.

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INTERPRETER ABDEL-RAHMAN:

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MR. POUNIAN:

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BY MR. POUNIAN:

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Q.

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A.

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1 MR. POUNIAN: [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 MR. SHEN: [REDACTED]

5 [REDACTED]

6 MR. POUNIAN: [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 BY MR. POUNIAN:

12 Q. [REDACTED]

13 [REDACTED]

14 MR. POUNIAN: [REDACTED]

15 [REDACTED] --

16 [REDACTED]

17 BY MR. POUNIAN:

18 Q. [REDACTED]

19 [REDACTED]

20 MR. POUNIAN: [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 BY MR. POUNIAN:

[REDACTED]

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1 Q. [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 A. [REDACTED]

5 Q. [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 MR. SHEN: [REDACTED]

11 THE WITNESS: [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED] [REDACTED]

18 BY MR. POUNIAN:

19 Q. [REDACTED] --

20 MR. POUNIAN: [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 - - -

24 [REDACTED]

[REDACTED]

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BY MR. POUNIAN:

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Q.

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BY MR. POUNIAN:

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BY MR. POUNIAN:

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MR. POUNIAN: [REDACTED]

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[REDACTED]

[REDACTED]

BY MR. POUNIAN:

Q. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A. [REDACTED]

Q. [REDACTED]

[REDACTED]

A. [REDACTED]

MR. POUNIAN: [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

- - -

[REDACTED]

[REDACTED]

[REDACTED]

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MS. INT-HOUT:

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BY MR. POUNIAN:

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Q.

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And can you explain, sir,  
your testimony that you were in England  
for a month in June of 2000?

18

19

20

21

22

A. Okay. I don't remember when  
exactly, but before I started the Ph.D.  
program, I was in England. I got ready,  
and then after that I went to the United  
States.

23

24

Q. You testified to us earlier  
that you went from Saudi Arabia directly

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1 to England for a month in June -- for the  
2 month of June 2000.

3 Are you telling us now, sir,  
4 that that testimony is true or not true?

5 A. I don't remember. I don't  
6 remember exactly. But it shows in my  
7 passports when I went to England and when  
8 I went to America. It shows exactly in  
9 the passport the entrance.

10 Q. Well, you remembered when  
11 you were answering Mr. Shen's questions  
12 and now you're telling me you don't  
13 remember; is that right?

14 MR. SHEN: Objection.

15 Badgering the witness.

16 THE WITNESS: If you give me  
17 an exact date, I can verify  
18 against the passport and give you  
19 an exact answer.

20 In addition, me and my wife,  
21 we do have an account. Both of us  
22 have cards for the account. I  
23 don't understand, what's the  
24 problem?

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1 BY MR. POUNIAN:

2 Q. The question, sir --

3 A. So she has a card for my  
4 account. There is a joint account and  
5 there is a regular account.

6 Q. Sir, did you ever see Fahad  
7 al-Thumairy in San Diego?

8 A. No.

9 MR. POUNIAN: If we could  
10 show you, sir, Exhibit-708,  
11 please. And go to Page 6, please.  
12 It's the second paragraph after,  
13 Contact with Fahad al-Thumairy.  
14 The last sentence.

15 BY MR. POUNIAN:

16 Q. Did you tell the 9/11  
17 Commission that you recall seeing  
18 al-Thumairy at a post-Ramadan Eid  
19 festival for Saudi students at the Saudi  
20 students' club in San Diego?

21 A. No. And to start with,  
22 there's no club for the Saudis in San  
23 Diego. To start with, this expression is  
24 wrong.

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1 Q. You're saying, sir, that you  
2 did not tell the 9/11 Commission that you  
3 saw al-Thumairy in San Diego?

4 A. No. It's a wrong phrase.

5 Q. Other than Khalid al-Mihdhar  
6 and Nawaf al-Hazmi, did you assist any  
7 other individuals in obtaining an  
8 apartment rental, sir?

9 MR. SHEN: Objection.

10 You can answer.

11 INTERPRETER MIKHAIL: The  
12 interpreter will repeat the  
13 question.

14 THE WITNESS: I don't  
15 remember. The answer is, I don't  
16 remember.

17 BY MR. POUNIAN:

18 Q. You can't recall any other  
19 occasion in which you assisted anyone  
20 with an apartment rental; is that right?

21 A. I don't remember helping  
22 anyone.

23 Q. And did you ever, on any  
24 other occasions, sign a guarantee for

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1 someone for an apartment or for any  
2 financial deal?

3 A. No.

4 Q. You mentioned earlier that  
5 there was an individual who helped you at  
6 one time.

7 Was that Omar Hammerman?

8 A. Who helped me obtain an  
9 apartment when I first came, yes, it was  
10 Omar Hammerman.

11 Q. [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]

19 MR. SHEN: [REDACTED]

20 THE WITNESS: [REDACTED]

21 [REDACTED]

22 BY MR. POUNIAN:

23 Q. [REDACTED]  
24 [REDACTED]

[REDACTED]

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MR. SHEN:

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THE WITNESS:

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8 BY MR. POUNIAN:

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Q. Now, Khalil Al Khalil

10

testified in this case that you came to

11

the King Fahad Mosque looking for Fahad

12

al-Thumairy on several occasions.

13

Is that a true statement or

14

not true statement?

15

A. No, it is not true.

16

Q. You're saying that Khalil Al

17

Khalil was lying when he said that?

18

MR. SHEN: Objection.

19

THE WITNESS: I'm not saying

20

he's lying. What I'm saying, this

21

is not true.

22

BY MR. POUNIAN:

23

Q. And Osama, the convert whose

24

name is Kaysan Morgan testified in this

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1 case that after leaving the restaurant  
2 with you, having just met Nawaf and  
3 Khalid, that he and you went to the King  
4 Fahad Mosque and that you met with Ismail  
5 Mana and with Fahad al-Thumairy.

6 Is that testimony -- are you  
7 saying that Osama was lying when he made  
8 that testimony before this court?

9 MR. SHEN: Objection.

10 THE WITNESS: It is not my  
11 way of being to accuse people of  
12 lying. But what I'm saying is,  
13 this is not true.

14 BY MR. POUNIAN:

15 Q. [REDACTED]  
16 [REDACTED] [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]

[REDACTED]



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1 MR. SHEN: [REDACTED]

2 BY MR. POUNIAN:

3 Q. [REDACTED]

4 [REDACTED]

5 MR. SHEN: [REDACTED] [REDACTED]

6 [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 MR. CARTER: [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 MR. SHEN: [REDACTED]

18 [REDACTED]

19 [REDACTED] [REDACTED]

20 MR. CARTER: [REDACTED] --

21 INTERPRETER MIKHAIL: [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 THE WITNESS: [REDACTED]

[REDACTED]

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[REDACTED]

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MR. POUNIAN:

[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

6

MR. SHEN:

[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

13

MR. CARTER:

[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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MR. SHEN:

[REDACTED]

19

[REDACTED]

[REDACTED]

20

[REDACTED]

21

[REDACTED]

22

MR. CARTER:

[REDACTED]

23

[REDACTED]

24

VIDEO TECHNICIAN:

[REDACTED]

[REDACTED]

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1 [REDACTED] [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 MR. CARTER: [REDACTED] [REDACTED]  
5 [REDACTED]  
6 - - -  
7 [REDACTED]  
8 - - -  
9 BY MR. CARTER:  
10 Q. [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 A. [REDACTED]  
20 MR. CARTER: [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 - - -  
24 [REDACTED]

[REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 - - -

4 BY MR. CARTER:

5 Q. [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 A. [REDACTED]

10 MR. CARTER: [REDACTED]

11 [REDACTED]

12 BY MR. CARTER:

13 Q. [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 A. [REDACTED]

17 Q. [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED] [REDACTED]

24 A. [REDACTED]

[REDACTED]

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Q.

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[REDACTED]

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Q.

[REDACTED]

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[REDACTED]

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A.

[REDACTED]

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Q.

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[REDACTED]

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[REDACTED]

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Q.

[REDACTED]

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[REDACTED]

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MR. CARTER:

[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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MR. SHEN:

BY MR. CARTER:

Q.

A.

Q.

A.

Q.

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1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 A. [REDACTED]  
5 [REDACTED]  
6 Q. [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 A. [REDACTED]  
13 [REDACTED] [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED] [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED] [REDACTED]  
23 [REDACTED]  
24 [REDACTED]

[REDACTED]



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1 Q. Mr. Bayoumi, aside from the  
2 computer you're using for your own video,  
3 are there any other monitors in the room  
4 with you?

5 A. (The Witness) Video?  
6 (Through Interpreter) Video  
7 monitors?

8 Q. Any kind of monitor.

9 INTERPRETER MIKHAIL: Can  
10 you explain "monitor"? Like a  
11 screen monitor?

12 MR. CARTER: A computer or  
13 screen.

14 THE WITNESS: I believe  
15 there was a monitor screen in my  
16 office and another monitor screen  
17 in the other office.

18 BY MR. CARTER:

19 Q. I'm sorry, Mr. Bayoumi, I'm  
20 talking about in the room where you're  
21 testifying right now.

22 Is there any kind of screen  
23 or computer to your right?

24 A. Yes.

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1 Q. And is there anything that  
2 you can view on that screen right now?

3 A. Right now, no. I'm looking  
4 here.

5 Q. Has there been anything on  
6 that screen over the course of the  
7 deposition?

8 A. On the screen, no.

9 Q. On the screen to your right,  
10 that has not been on or active at all  
11 during the deposition?

12 A. No, no.

13 MR. CARTER: Thank you.  
14 That's all.

15 MR. SHEN: Let's end the  
16 deposition. You can let everyone  
17 in.

18 - - -

19 (End of FBI Protected  
20 Material.)

21 - - -

22 MR. KRY: We have no further  
23 questions.

24 MR. SHEN: This ends the

1 deposition. The witness will read  
2 and sign. Thank you, everyone.  
3 Have a good weekend.

4 MS. PRITSKER: DIB counsel  
5 has re-entered the deposition and  
6 has been excluded since  
7 approximately 4:05 p.m. Eastern.  
8 Thank you.

9 VIDEO TECHNICIAN: This  
10 marks the end of today's  
11 deposition. We're going to go off  
12 the record at 4:44 p.m.

13 - - -

14 (Whereupon, the deposition  
15 concluded at 4:44 p.m.)

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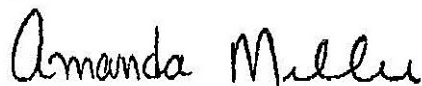
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1 CERTIFICATE  
2  
3

4 I, Amanda Maslynsky-Miller, Certified  
5 Realtime Reporter, do hereby certify that  
6 prior to the commencement of the examination,  
7 OMAR AL-BAYOUMI, was remotely sworn by me to  
8 testify to the truth, the whole truth and  
9 nothing but the truth.

10 I DO FURTHER CERTIFY that the foregoing is a  
11 verbatim transcript of the testimony as taken  
12 stenographically by me at the time, place and  
13 on the date hereinbefore set forth, to the  
14 best of my ability.

15 I DO FURTHER CERTIFY that I am neither a  
16 relative nor employee nor attorney nor  
17 counsel of any of the parties to this action,  
18 and that I am neither a relative nor employee  
19 of such attorney or counsel, and that I am  
20 not financially interested in the action.

21 

22 \_\_\_\_\_  
23 Amanda Miller  
24 Certified Realtime Reporter  
Dated: June 21, 2021

(The foregoing certification of this  
transcript does not apply to any reproduction  
of the same by any means, unless under the  
direct control and/or supervision of the  
certifying reporter.)

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INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within sixty (60) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

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ACKNOWLEDGMENT OF DEPONENT

I, \_\_\_\_\_, do  
hereby certify that I have read the  
foregoing pages, 1 - 306, and that the  
same is a correct transcription of the  
answers given by me to the questions  
therein propounded, except for the  
corrections or changes in form or  
substance, if any, noted in the attached  
Errata Sheet.

\_\_\_\_\_  
OMAR AL-BAYOUMI

\_\_\_\_\_  
DATE

Subscribed and sworn  
to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

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	LAWYER'S NOTES		
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